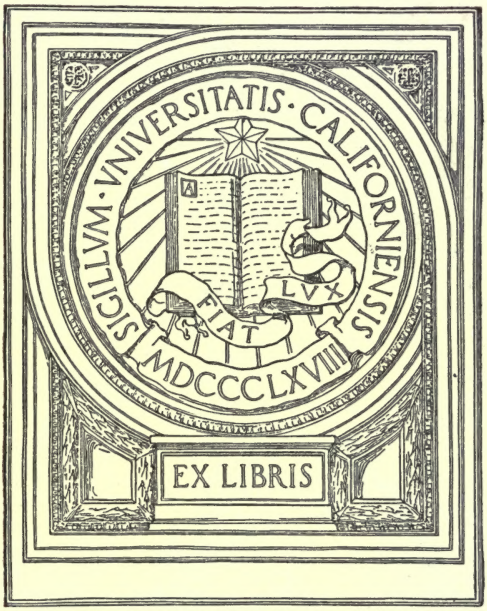
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THE

Private Correspondence

OF

BENJAMIN FRANKLIN,

LL.D. F.R.S. &c.

MINISTER PLENIPOTENTIARY FROM THE UNITED STATES OF AMERICA AT THE COURT OF FRANCE, AND FOR THE TREATY OF PEACE AND INDEPENDENCE WITH GREAT BRITAIN, &c. &c.

COMPRISING

A SERIES OF LETTERS

ON

MISCELLANEOUS, LITERARY, AND POLITICAL SUBJECTS:

WRITTEN BETWEEN THE YEARS 1753 AND 1790;

ILLUSTRATING THE

Memoirs of his Public and Private Life,

AND DEVELOPING

THE SECRET HISTORY

OF HIS

POLITICAL TRANSACTIONS AND NEGOCIATIONS.

PUBLISHED FROM THE ORIGINALS,

BY HIS GRANDSON

WILLIAM TEMPLE FRANKLIN.

IN TWO VOLUMES.

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Private Correspondence

OF

BENJAMIN FRANKLIN.

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PRIVATE CORRESPONDENCE

OF

BENJAMIN FRANKLIN.

PART III.

LETTERS RELATING TO NEGOTIATIONS FOR PEACE, &c.

To David Hartley, Esq. M. P.

Dear Sir, *Passy, near Paris, Oct.* 14, 1777.

I received duly your letter of May 2, 77, including a copy of one you had sent me the year before, which never came to hand, and which it seems has been the case with some I wrote to you from America. Filled though our letters have always been with sentiments of good will to both countries, and earnest desires of preventing their ruin and promoting their mutual felicity, I have been apprehensive that if it were known a correspondence subsisted between us, it might be attended with inconvenience to you. I have therefore been backward in writing, not caring to trust the post, and not well knowing who else to trust with my letters. But being now assured of a safe conveyance, I venture to write to you, especially as I

think the subject such a one as you may receive a letter upon without censure.

Happy should I have been, if the honest warnings I gave of the fatal separation of interests as well as of affections, that must attend the measures commenced while I was in England, had been attended to, and the horrid mischief of this abominable war been thereby prevented. I should still be happy in any successful endeavours for restoring peace, consistent with the liberties, the safety and the honor of America. As to our submitting to the government of Great Britain, 'tis vain to think of it. She has given us by her numberless barbarities (by her malice in bribing slaves to murder their masters, and savages to massacre the families of farmers, with her baseness in rewarding the unfaithfulness of servants and debauching the virtue of honest seamen entrusted with our property) in the prosecution of the war, and in the treatment of the prisoners, so deep an impression of her depravity, that we never again can trust her in the management of our affairs and interests. It is now impossible to persuade our people, as I long endeavoured, that the war was merely ministerial, and that the nation bore still a good will to us. The infinite number of addresses printed in your Gazettes all approving the conduct of your government towards us, and encouraging our destruction by every possible means, the great majority in parliament constantly manifesting the same sentiments, and the popular public rejoicings on occasion of any news of the slaughter of an innocent and virtuous people fighting only in defence of their just rights; these, together with the recommendations of the same measures by even your celebrated moralists and divines in their writings and sermons, that are still approved and ap-

plauded in your great national assemblies, all join in convincing us that you are no longer the magnanimous enlightened nation we once esteemed you, and that you are unfit and unworthy to govern us, as not being able to govern your own passions.

But, as I have said, I should be nevertheless happy in seeing peace restored. For though if my friends and the friends of liberty and virtue, who still remain in England, could be drawn out of it, a continuance of this war to the ruin of the rest, would give me less concern, I cannot, as that removal is impossible, but wish for peace for their sakes, as well as for the sake of humanity and preventing further carnage.

This wish of mine, ineffective as it may be, induces me to mention to you that between nations long exasperated against each other in war, some act of generosity and kindness towards prisoners on one side, has softened resentment and abated animosity on the other, so as to bring on an accommodation. You in England, if you wish for peace, have at present the opportunity of trying this means, with regard to the prisoners now in your gaols. They complain of very severe treatment. They are far from their friends and families, and winter is coming on in which they must suffer extremely if continued in their present situation, fed scantily on bad provisions, without warm lodging, clothes or fire; and not suffered to invite or receive visits from their friends, or even from the humane and charitable of their enemies. I can assure you from my own certain knowledge, that your people, prisoners in America, have been treated with great kindness; they have been served with the same rations of wholesome provisions with our own troops, comfortable lodgings have been provided for them,

and they have been allowed large bounds of villages in the healthy air, to walk and amuse themselves with on their parole. Where you have thought fit to employ contractors to supply your people, these contractors have been protected and aided in their operations. Some considerable act of kindness towards our people, would take off the reproach of inhumanity in that respect from the nation, and leave it where it ought with more certainty to lay, on the conductors of your war in America. This I hint to you, out of some remaining good will to a nation I once loved sincerely. But as things are, and in my present temper of mind, not being overfond of receiving obligations, I shall content myself with proposing that your government would allow us to send or employ a commissary to take some care of those unfortunate people. Perhaps on your representations this might be speedily obtained in England, though it was refused most inhumanly at New-York.

If you could have leisure to visit the gaols in which they are confined, and should be desirous of knowing the truth relative to the treatment they receive, I wish you would take the trouble of distributing among the most necessitous according to their wants five or six hundred pounds, for which your drafts on me here shall be punctually honored. You could then be able to speak with some certainty to the point in parliament, and this might be attended with good effects.

If you cannot obtain for us permission to send a commissary, possibly you may find a trusty humane discreet person at Plymouth, and another at Portsmouth, who would undertake to communicate what relief we may be able to afford those unfortunate men, martyrs to the cause

of liberty. Your king will not reward you for taking this trouble, but God will. I shall not mention the gratitude of America: you will have what is better, the applause of your own good conscience. Our captains have set at liberty above two hundred of your people made prisoners by our armed vessels and brought into France, besides a great number dismissed at sea on your coasts, to whom vessels were given to carry them in. But you have not returned us a man in exchange. If we had sold your people to the Moors at Sallee, as you have many of ours to the African and East India Companies, could you have complained?

In revising what I have written, I found too much warmth in it, and was about to strike out some parts. Yet I let them go, as they will afford you this one reflection. "If a man naturally cool, and rendered still cooler by old age, is so warmed by our treatment of his country, how much must those people in general be exasperated against us! and why are we making inveterate enemies by our barbarity, not only of the present inhabitants of a great country, but of their infinitely more numerous posterity; who will in all future ages detest the name of *Englishman*, as much as the children in Holland now do those of *Alva* and *Spaniard*." This will certainly happen unless your conduct is speedily changed, and the national resentment falls, where it ought to fall heavily, on your ministry, or perhaps rather on the —— whose will they only execute.

With the greatest esteem and affection, and best wishes for your prosperity, I have the honor to be, dear Sir, &c.

B. FRANKLIN.

To Mr. Hutton.[1]

My dear old friend, *Passy, Feb.* 1, 1778.

You desired that if I had no proposition to make, I would at least give my advice.

I think it is Ariosto who says, that all things lost on earth, are to be found in the moon; on which somebody remarked, that there must be a great deal of good advice in the moon. If so there is a good deal of mine formerly given and lost in this business. I will however at your request give a little more, but without the least expectation that it will be followed; for none but God can at the same time give good counsel, and wisdom to make use of it.

You have lost by this mad war, and the barbarity with which it has been carried on, not only the government and commerce of America, and the public revenues and private wealth arising from that commerce, but what is more, you have lost the esteem, respect, friendship, and affection of all that great and growing people, who consider you at present, and whose posterity will consider you, as the worst and wickedest nation upon earth. A peace you may undoubtedly obtain, by dropping all your pretensions to govern us: and by your superior skill in huckstering negociation, you may possibly make such an apparently advantageous bargain as shall be applauded in your parliament; but you cannot with the peace recover the affections of that people, it will not be a lasting nor a profitable one, nor will it afford you any part of that strength which you once had by your union with them, and might

---

[1] See an account of this gentleman, Part I.

(if you had been wise enough to take advice) have still retained.

To recover their respect and affection you must tread back the steps you have taken.

Instead of honoring and rewarding the American advisers and promoters of this war, you should disgrace them; with all those who have inflamed the nation against America by their malicious writings; and all the ministers and generals who have prosecuted the war with such inhumanity. This would show a national change of disposition, and a disapprobation of what had passed.

In proposing terms, you should not only grant such as the necessity of your affairs may evidently oblige you to grant, but such additional ones as may show your generosity, and thereby demonstrate your good will. For instance, perhaps you might by your treaty retain all Canada, Nova Scotia, and the Floridas. But if you would have a real friendly as well as able ally in America, and avoid all occasion of future discord which will otherwise be continually arising on your American frontiers, you should throw in those countries. And you may call it if you please an indemnification for the burning of their towns, which indemnification will otherwise be some time or other demanded.

I know your people will not see the utility of such measures, and will never follow them, and even call it insolence and impudence in me to mention them. I have however complied with your desire, and am as ever your affectionate friend,

B. FRANKLIN.

To Mr. Hutton.

Dear old Friend, *Passy, Feb.* 12, 1778.

I wrote the above some time before I received yours, acquainting me with your speedy and safe return, which gave me pleasure. I doubted after I had written it, whether it would be well to send it; for as your proud nation despises us exceedingly, and demands and expects absolute and humble submission, all talk of treaty must appear imprudence, and tend to provoke rather than conciliate. As you still press me by your last to say something; I conclude to send what I had written, for I think the advice is good though it must be useless; and I cannot, as some amongst you desire, make propositions, having none committed to me to make; but we can treat if any are made to us; which however we do not expect. I abominate with you all murder, and I may add that the slaughter of men in an unjust cause is nothing less than murder; I therefore never think of your present ministers and their abettors, but with the image strongly painted in my view, of their hands, red, wet, and dropping with the blood of my countrymen, friends, and relations. No peace can be signed by those hands. Peace and friendship will nevertheless subsist for ever between Mr. Hutton and his affectionate friend, B. Franklin.

To D. Hartley, Esq. M. P.

Dear Sir, *Passy, Feb.* 12, 1778.

A thousand thanks for your so readily engaging in the means of relieving our poor captives, and the pains you have taken, and the advances you have made for that purpose. I received your kind letter of the 3d

instant, and send you enclosed a bill of 100*l.* I much approve of Mr. Wren's prudent, as well as benevolent conduct, in the disposition of the money, and wish him to continue doing what shall appear to him and you to be right, which I am persuaded will appear the same to me and my colleagues here. I beg you will present him when you write my respectful acknowledgments.

Your "earnest caution and request that nothing may ever persuade America to throw themselves into the arms of France; for that times may mend, and that an American must always be a stranger in France, but that Great Britain may for ages to come be their home," marks the goodness of your heart, your regard for us, and love of your country. But when your nation is hiring all the cut-throats it can collect of all countries and colours to destroy us, it is hard to persuade us not to ask or accept aid from any power that may be prevailed with to grant it; and this only from the hope that though you now thirst for our blood and pursue us with fire and sword, you may in some future time treat us kindly. This is too much patience to be expected of us; indeed I think it is not in human nature. The Americans are received and treated here in France with a cordiality, a respect and affection they never experienced in England when they most deserved it; and which is now (after all the pains taken to exasperate the English against them, and render them odious as well as contemptible) less to be expected there than ever. And I cannot see why we may not, upon an alliance, hope for a continuance of it, at least of as much as the Swiss enjoy, with whom France has maintained a faithful friendship for two hundred years past, and whose people appear to live here in as much esteem as the na-

tives. America has been *forced* and *driven* into the arms of France.[1] She was a dutiful and virtuous daughter. A cruel mother-in-law turned her out of doors, defamed her, and sought her life. All the world knows her innocence and takes her part; and her friends hope soon to see her honourably married. They can never persuade her return and submission to so barbarous an enemy. In her future prosperity, if she forgets and forgives, 'tis all that can be reasonably expected of her. I believe she will make as good and useful a wife as she did a daughter, that her husband will love and honour her, and that the family from which she was so wickedly expelled, will long regret the loss of her.

I know not whether a peace with us is desired in England. I rather think it is not at present, unless on the old impossible terms of submission and receiving pardon. Whenever you shall be disposed to make peace upon equal and reasonable terms, you will find little difficulty if you get first an honest ministry. The present have all along acted so deceitfully and treacherously as well as inhumanly towards the Americans, that I imagine, the absolute want of all confidence in them, will make a treaty at present between them and the Congress impracticable.

The subscription for the prisoners will have excellent effects in favour of England and Englishmen. The Scotch subscriptions for raising troops to destroy us, though amounting to much greater sums, will not do their nation half so much good. If you have an opportunity I

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[1] The Treaty of Commerce and that of eventual alliance with France had both been signed six days prior to the date of this letter, though the fact was then kept secret.

wish you would express our respectful acknowledgments and thanks to your Committee and contributors, whose benefactions will make our poor people as comfortable as their situation can permit. Adieu, my dear friend. Accept my thanks for the excellent papers you inclosed to me. Your endeavours for peace, though unsuccessful, will always be a comfort to you, and in time when this mad war shall be universally execrated, will be a solid addition to your reputation. I am ever with the highest esteem, &c.

P. S. An old friend of mine, Mr. Hutton, a chief of the Moravians, who is often at the Queen's palace, and is sometimes spoken to by the King, was over here lately. He pretended to no commission, but urged me much to propose some terms of peace, which I avoided. He has wrote to me since his return, pressing the same thing, and expressing with some confidence his opinion that we might have every thing short of absolute independence, &c. Inclosed I send my answers; open, that you may read them, and if you please copy before you deliver or forward them.[1] They will serve to show you more fully my sentiments, though they serve no other purpose.

To D. Hartley, Esq. M. P.

Dear Sir, *Passy, Feb.* 26, 1778.

I received yours of the 18th and 20th of this month, with Lord North's proposed bills. The more I see of the ideas and projects of your ministry, and

[1] See the two preceding letters.

their little arts and schemes of amusing and dividing us, the more I admire the prudent, manly, and magnanimous propositions contained in your intended motion for an address to the King. What reliance can we have on an act expressing itself to be only a declaration of the *intention* of parliament concerning the *exercise* of the RIGHT of imposing taxes in America, when in the bill itself, as well as in the title, a right is supposed and claimed which never existed; and a *present intention* only is declared not to use it, which may be changed by another act next session, with a preamble that this *intention* being found inexpedient, it is thought proper to repeal this act and resume the exercise of *the right* in its full extent. If any solid permanent benefit was intended by this, why is it confined to the colonies of North America, and not extended to the loyal ones in the sugar islands? But it is now needless to criticise, as all acts that suppose your future government of the colonies can be no longer significant.

In the act for appointing commissioners instead of full powers to agree upon terms of peace and friendship, with a promise of ratifying such treaty as they shall make in pursuance of those powers; it is declared that their agreements shall have no force nor effect, nor be carried into execution till approved of by parliament; so that every thing of importance will be uncertain. But they are allowed to proclaim a cessation of arms, and revoke their proclamation as soon as in consequence of it our militia have been allowed to go home: they may suspend the operation of acts prohibiting trade, and take off that suspension when our merchants in consequence of it have been induced to send their ships to sea; in short, they

may do every thing that can have a tendency to divide and distract us, but nothing that can afford us security. Indeed, Sir, your ministers do not know us. We may not be quite so cunning as they, but we have really more sense, as well as more courage than they have ever been willing to give us credit for; and I am persuaded these acts will rather obstruct peace than promote it, and that they will not answer in America the mischievous and malevolent ends for which they were intended. In England they may indeed amuse the public creditors, give hopes and expectations that shall be of some present use, and continue the mis-managers a little longer in their places. *Voila tout!*

In return for your repeated advice to us not to conclude any treaty with the House of Bourbon, permit me to give (through you) a little advice to the Whigs in England. Let nothing induce them to join with the Tories in supporting and continuing this wicked war against the Whigs of America, whose assistance they may hereafter want to secure their own liberties; or whose country they may be glad to retire to for the enjoyment of them.

If peace by a treaty with America upon equal terms, were really desired, your Commissioners need not go there for it, supposing, as by the bill they are empowered "to treat with such person or persons as in their wisdom and discretion they shall think meet," they should happen to conceive that the Commissioners of the Congress at Paris might be included in that description. I am ever, dear Sir, &c. B. FRANKLIN.

P. S. Seriously, on farther thoughts, I am of opinion, that if wise and honest men, such as Sir George Saville,

the Bishop of St. Asaph,[1] and yourself, were to come over here immediately with powers to treat, you might not only obtain peace with America, but prevent a war with France.

To Mr. Hutton.

Passy, March 24, 1778.

My dear old friend was in the right not "to call in question the sincerity of my words, where I say, February 12, *we can treat if any propositions are made to us.*" They were true then, and are so still, if Britain has not declared war with France; for in that case we shall undoubtedly think ourselves obliged to continue the war as long as she does. But methinks you should have taken us at our word, and have sent immediately your propositions in order to prevent such a war, if you did not chuse it. Still I conceive it would be well to do it, if you have not already rashly begun the war. Assure yourself nobody more sincerely wishes perpetual peace among men than I do; but there is a prior wish that they would be equitable and just, otherwise such peace is not possible, and indeed wicked men have no right to expect it. Adieu! I am ever yours most affectionately,

B. Franklin.

Note from William Pultney, Esq. M. P. (under the assumed name of *Williams.*)

Mr. Williams returned this morning to Paris, and will be glad to see Dr. Franklin, whenever it is convenient for the Doctor, at the *Hotel Frasiliere, Rue Tournou.* It is near the hotel where he lodged when the Doctor saw him a fortnight ago. He does not propose

[1] Dr. Shipley.

to go abroad, and therefore the Doctor will find him at any hour. He understands that Mr. Alexander is not yet returned from Dijon, which he regrets.

Sunday Morning, March 29, 1778.

[*The following Letter to Mr. Pultney, was not sent, but contains what was said in a Conversation Dr. Franklin had with him in Paris.*]

To William Pultney, Esq.

Sir, *Passy, March* 30, 1778.

When I first had the honour of conversing with you on the subject of peace, I mentioned it as my opinion that every proposition which implied our voluntarily agreeing to return to a dependence on Britain was now become impossible; that a peace on equal terms undoubtedly might be made; and that though we had no particular powers to treat of peace with England, we had general powers to make treaties of peace, amity, and commerce, with any state in Europe, by which I thought we might be authorized to treat with Britain; who, if sincerely disposed to peace, might save time and much bloodshed by treating with us directly.

I also gave it as my opinion, that in the treaty to be made, Britain should endeavour by the fairness and generosity of the terms she offered, to recover the esteem, confidence, and affection of America, without which the peace could not be so beneficial, as it was not likely to be lasting. In this I had the pleasure to find you of my opinion.

But I see by the propositions you have communicated to me, that the ministers cannot yet divest themselves of

the idea, that the power of parliament over us is constitutionally absolute and unlimited; and that the limitations they may be willing now to put to it by treaty, are so many favours, or so many benefits for which we are to make compensation.

As our opinions in America are totally different, a treaty on the terms proposed, appears to me utterly impracticable either here or there. Here we certainly cannot make it, having not the smallest authority to make even the declaration specified in the proposed letter, without which, if I understood you right, treating with us cannot be commenced.

I sincerely wish as much for peace as you do, and I have enough remaining of good will for England to wish it for her sake as well as for our own, and for the sake of humanity. In the present state of things, the proper means of obtaining it, in my opinion, are to acknowledge the independence of the United States, and then enter at once into a treaty with us for a suspension of arms, with the usual provisions relating to distances; and another for establishing peace, friendship, and commerce, such as France has made. This might prevent a war between you and that kingdom, which in the present circumstances and temper of the two nations an accident may bring on every day, though contrary to the interest and without the previous intention of either. Such a treaty we might probably now make with the approbation of our friends; but if you go to war with them on account of their friendship for us, we are bound by ties, stronger than can be formed by any treaty, to fight against you with them, as long as the war against them shall continue.

May God at last grant that wisdom to your national

councils, which he seems long to have denied them, and which only sincere, just, and humane intentions can merit or expect. With great personal esteem, I have the honour to be, Sir, &c. B. FRANKLIN.

FROM WM. ALEXANDER, ESQ. TO DR. FRANKLIN.

MY DEAR SIR,

Upon a night's reflection it is thought right that you be possessed of the inclosed,[1] to be afterwards returned without taking copy, in case no business be done. Will you let me know by the bearer, if we are to see you in town to-day, and when, that I may be at hand?

Saturday morning, April 4, 1778.

TO DR. BANCROFT,[2] F. R. S. LONDON.

DEAR SIR, *Passy, April* 16, 1778.

I wish you would assure our friend, that Dr. Franklin never gave any such expectations to Mr. Pultney. On the contrary, he told him that the Commissioners could not succeed in their mission, whether they went to recover the *dependence* or to *divide*. His opinion is confirmed by the inclosed resolves, which perhaps it may not be amiss to publish in England. Please to send me the newspaper. Yours affectionately,

B. FRANKLIN.

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[1] Some proposals on the part of the British ministry, eventually disapproved of by Dr. Franklin, and returned.

[2] An American gentleman of great worth and abilities; an intimate and much respected friend of Dr. Franklin's, to whom the United States are greatly indebted for his exertion and assistance in the cause of their independence.

To His Excellency Joseph Reed, Esq.

President of the State of Pennsylvania.

Sir, *Passy, March* 19, 1780.[1]

I have just received the pamphlet you did me the honour to send me by M. Gérard, and have read it with pleasure; not only as the clear state of facts, it does you honour, but as it proves the falsehood of a man, who also showed no regard to truth in what he said of me, "*that I approved of the propositions he carried over.*" The truth is this, his brother, Mr. Pultney, came here with those propositions; and after stipulating that if I did not approve of them, I should not speak of them to any person, he communicated them to me. I told him frankly, on his desiring to know my sentiments, that I DID NOT *approve of them, and that I was sure they* WOULD NOT *be accepted in America.* But I said there are two other Commissioners here. I will, if you please, show your propositions to them, and you will hear their opinions. I will also show them to the ministry here, without whose knowledge and concurrence we can take no step in such affairs. No, said he; as you do not approve of them, it can answer no purpose to show them to any body else: the reasons that weigh with you will also weigh with them: therefore, I now pray that no mention may be made of my having been here, or my business. To this I agreed, and therefore nothing could be more astonishing to me, than to see in an American newspaper,

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[1] This letter is inserted here out of its place, as elucidating the foregoing one.

that direct lie, in a letter from Mr. Johnstone, joined with two other falsehoods, relating to the time of the treaty, and to the opinion of Spain!

In proof of the above, I inclose a certificate of a friend of Mr. Pultney's, the only person present at our interview; and I do it the rather at this time, because I am informed that another calumniator (the same who formerly in his private letters to particular members, accused you, with Messrs. Jay, Duanes, Langdon, and Harrison, of betraying the secrets of Congress in a correspondence with the ministry) has made this transaction with Mr. Pultney, an article of accusation against me, as having approved the same propositions. He proposes, I understand, to settle in your government. I caution you to beware of him; for in sowing suspicions and jealousies, in creating misunderstandings and quarrels among friends, in malice, subtilty, and indefatigable industry, he has, I think, no equal.

I am glad to see that you continue to preside in our new State, as it shows that your public conduct is approved by the people. You have had a difficult time, which required abundance of prudence; and you have been equal to the occasion. The disputes about the constitution seem to have subsided. It is much admired here and all over Europe, and will draw over many families of fortune to settle under it, as soon as there is a peace. The defects that may on seven years' trial be found in it, can be amended, when the time comes for considering them. With great and sincere esteem and respect, I have the honour to be, &c. B. FRANKLIN.

(*Inclosed in the foregoing.*)

I do hereby certify whom it may concern, that I was with Mr. Pultney and Dr. Franklin at Paris, when in a conversation between them on the subject of certain propositions for a reconciliation with America, offered by Mr. Pultney, Dr. Franklin said he did not approve of them, nor did he think they would be approved in America, but that he would communicate them to his colleagues and the French ministry. This Mr. Pultney opposed, saying, that it would answer no good end, as he was persuaded that what weighed with Dr. Franklin would weigh also with them; and therefore desired that no mention might be made of his having offered such propositions, or even of his having been here, on such business; but that the whole might be buried in oblivion, agreeable to what had been stipulated by Mr. Pultney, and agreed to by Dr. Franklin, before the propositions were produced, which Dr. Franklin accordingly promised.

Paris, March 19, 1780

(Signed) WILLIAM ALEXANDER.

To DR. FRANKLIN, PASSY.

DEAR SIR,

I send you adjoined, the certificate you desire; and am perfectly convinced from conversations I have since had with Mr. Pultney, that nobody was authorized to hold the language which has been imputed to him on that subject; and as I have a high opinion of his candour and worth, I know it must be painful to him to be brought into question in matters of fact with persons

he esteems. I could wish that this matter may receive no farther publicity than what is necessary for your justification. I am, &c. W. ALEXANDER.

To COUNT DE VERGENNES,
Minister for Foreign Affairs, Versailles.

SIR, *Passy, April 24,* 1778.

Mr. Hartley, member of parliament, an old acquaintance of mine, arrived here from London on Sunday last. He is generally in the opposition, especially on American questions, but has some respect for Lord North. In conversation he expressed the strongest anxiety for peace with America, and appeared extremely desirous to know my sentiments of the terms which might probably be acceptable if offered; whether America would not, to obtain peace, grant some superior advantages in trade to Britain, and enter into an alliance offensive and defensive; whether, if war should be declared against France, we had obliged ourselves by treaty to join with her against England. My answers have been, That the United States were not fond of war, and with the advice of their friends would probably be easily prevailed with to make peace on equitable terms, but we had no terms committed to us to propose, and I did not chuse to mention any. That Britain having injured us heavily by making this unjust war upon us, might think herself well off, if *on reparation of those injuries,* we admitted her to *equal* advantages with other nations in commerce; but certainly she had no reason to expect *superior*. That her known fondness for war, and the many instances of her readiness to engage in wars on frivolous occasions, were probably sufficient to cause an immediate rejection of

every proposition for an *offensive* alliance with her. And that if she made war against France on our account, a peace with us at the same time was impossible; for that having met with friendship from that generous nation when we were cruelly oppressed by England, we were under ties stronger than treaties could form, to make common cause, which we should certainly do to the utmost of our power. Here has also been with me a Mr. Chapman, who says he is a member of the parliament of Ireland, on his way home from Nice, where he had been for the recovery of his health. He pretended to call on me only from motives of respect for my character, &c. But after a few compliments he entered on a similar discourse, urging much to know what terms would satisfy America, and whether on having *peace and independence granted* to us, we should not be willing to submit to the Navigation Act, or give equivalent privileges in trade to Britain. The purport of my answer to him was, in short, that *peace* was of *equal* value to England as to us, and *independence* we were already in possession of: that therefore England's offer to grant them to us, could not be considered as proposing any favour, or as giving her a right to expect peculiar advantages in commerce. By his importunity I found his visit was not so occasional as he represented it: and from some expressions I conjectured he might be sent by Lord Shelburne, to sound me, and collect some information. On the whole, I gather from these conversations, that the opposition, as well as the ministry, are perplexed with the present situation of affairs, and know not which way to turn themselves, whether it is best to go backward or forward, or what steps

to take to extricate that nation from its present dangerous situation.

I thought it right to give your Excellency an account of these interviews, and to acquaint you with my intention of avoiding such hereafter, as I see but little prospect of utility in them, and think they are very liable to hurtful misrepresentations.

By advices from London we learn, that a fleet for Quebec, with goods valued at 500,000*l.* sterling, is to sail about the end of this month under convoy only of a single frigate of thirty guns, in which is to go Governor Haldimand.

Inclosed I send a paper I have just received from London. It is not subscribed by any name, but I know the hand. It is from an old friend of general and great acquaintance, and marks strongly the present distress and despair of considerate people in England. I have the honour to be, with the greatest respect, your Excellency's, &c.

B. FRANKLIN.

FROM COUNT DE VERGENNES TO DR. FRANKLIN.

A Versailles, April 25, 1778.

J'ai rendu compte au Roi, Monsieur, du contenû de la lettre que vous m'avez fait l'honneur de m'écrire hier, et sa majesté me charge de vous témoigner toute sa satisfaction de votre empressement à nous informer de l'objet de vos conférences avec M. Hartley. Le grand art de l'Angleterre fut toujours de chercher à diviser, c'est un bon moyen en effet pour s'assurer l'empire; mais ce n'est ni auprès de vous ni auprès de vos collègues qu'il peut être employé avec succès; je porte

avec confiance le même jugement des Etats-Unis. Au reste il n'est pas possible, Monsieur, de repondre avec plus de noblesse, de franchise et de fermeté que vous l'avez fait a M. Hartley: il n'a pas lieu d'être content de sa mission. J'ignore si ce membre du parlement en a une pour nous; il désire de me voir, et je l'attens dans la matinée. Je ne serois pas surpris qu'il ne se proposât de semer la defiance entre nous en introduisant une double négociation, mais je saurai y obvier, et vous serez instruit de ce qui se passera entre nous pour peu qu'il y ait quelque chose d'intéressant.

J'ai l'honneur d'être avec une très parfaite consideration, Monsieur, votre très humble et très obéissant serviteur,

DE VERGENNES.

To Dr. Franklin, Passy.

DEAR SIR, *Paris, April 29*, 1778.

I will take care of all your commissions. This moment a second packet of infinite value is received, which I shall cherish as a mark of affection from you. I opened the letter by mistake which came with it, and soon saw it was not for me. I hope you will excuse it. I chuse rather to throw myself upon your goodness for the excuse, than any thing else. I shall not set out till between one and two; therefore if you will be so good as to send me another copy, I will take care of it and deliver it safely.

God bless you, my dear friend. No exertion or endeavour on my part shall be wanting, that we may some time or other meet again in peace. Your powers are infinitely more influential than mine. To those powers I

trust my last hopes. I will conclude, blessed are the peace-makers! Your affectionate friend,

D. HARTLEY.

If tempestuous times should come, take care of your own safety: events are uncertain, and men may be capricious. Yours, &c. D. H.

ANSWER.

I thank you for your kind caution, but having nearly finished a long life, I set but little value on what remains of it. Like a draper, when one chaffers with him for a remnant, I am ready to say, "As it is only the fag-end, I will not differ with you about it, take it for what you please." Perhaps the best use such an old fellow can be put to, is to make a martyr of him. B. F.

ENDORSEMENT on the Note following it.

"*An anonymous letter delivered to me at nine in the "evening May* 20, 78. *It seems intended to draw me out "into those gardens for some bad purpose; as the person "who pretended to have such urgent business with me has "never since appeared; though* (*refusing to go out at that "time of night*), *I appointed the next day at* 11 *o'clock.*"

B. FRANKLIN.

Une personne qui auroit quelque chose de tres intéressant et pressé a vous communiquer, desireroit, Monsieur, que vous voulussiez bien lui donner un moment pour lui procurer l'agrément de s'entretenir avec vous sur ce dont il s'agit.

L'on sait que vous venez quelquefois au *jardin des*

caux,[1] et comme l'on ne veut être apperçu d'aucun de vos gens (et que l'on a des raisons très fortes pour cela), l'on s'est transporté ici tout exprès de Paris, dans l'espoir que l'on aura l'avantage de vous voir et de vous parler d'objet d'autant plus important qu'il concerne des personnes distinguées.

ANSWER TO A LETTER FROM BRUSSELS.

SIR, *Passy, July* 1, 1778.

I received your letter dated at Brussels the 16th past.

My vanity might possibly be flattered by your expressions of compliment to my understanding, if your proposals did not more clearly manifest a mean opinion of it.

You conjure me in the name of the omniscient and just God before whom I must appear, and by my hopes of future fame, to consider if some expedient cannot be found to put a stop to the desolation of America, and prevent the miseries of a general war. As I am conscious of having taken every step in my power to prevent the breach and no one to widen it; I can appear cheerfully before that God, fearing nothing from his justice in this particular, though I have much occasion for his mercy in many others. As to my future fame I am content to rest it on my past and present conduct, without seeking an addition to it in the crooked, dark paths you propose to me, where I should most certainly lose it. This your solemn address would therefore have been more properly made to your sovereign and his venal parliament. He and they who wickedly began and madly continue a war for the desola-

[1] So called as containing the spring of the mineral waters of PASSY.

tion of America, are alone accountable for the consequences.

You endeavour to impress me with a bad opinion of French faith; but the instances of their friendly endeavours to serve a race of weak princes who by their own imprudence defeated every attempt to promote their interest, weigh but little with me, when I consider the steady friendship of France to the thirteen United States of Switzerland, which has now continued inviolate two hundred years. You tell me that she will certainly cheat us, and that she despises us already. I do not believe that she will cheat us, and I am not certain that she despises us, but I see clearly that you are endeavouring to cheat us by your conciliatory bills; that you actually despised our understandings when you flattered yourselves those artifices would succeed; and that not only France but all Europe, yourselves included, most certainly and for ever would despise us if we were weak enough to accept your insidious propositions.

Our expectations of the future grandeur of America, are not so magnificent, and therefore not so vain or visionary, as you represent them to be. The body of our people are not merchants, but humble husbandmen, who delight in the cultivation of their lands, which from their fertility and the variety of our climates, are capable of furnishing all the necessaries and conveniences of life without external commerce. And we have too much land to have the least temptation to extend our territory by conquest from peaceable neighbours, as well as too much justice to think of it. Our militia you find by experience are sufficient to defend our lands from invasion; and the commerce with us will be defended by all the nations who find an advantage in it. We therefore have not the occasion you ima-

gine of fleets, or standing armies, but may leave those expensive machines to be maintained for the pomp of princes, and the wealth of ancient states. We propose, if possible, to live in peace with all mankind; and after you have been convinced to your cost, that there is nothing to be got by attacking us, we have reason to hope that no other power will judge it prudent to quarrel with us, lest they divert us from our own quiet industry, and turn us into corsairs preying upon theirs. The weight therefore of an independent empire, which you seem so certain of our inability to bear, will not be so great as you imagine. The expense of our civil government we have always borne, and can easily bear, because it is small. A virtuous and laborious people may be cheaply governed. Determining as we do to have no offices of profit, nor any sinecures or useless appointments, so common in ancient and corrupted states, we can govern ourselves a year for the sum you pay in a single department, or for what one jobbing contractor, by the favor of a minister, can cheat you out of in a single article.

You think we flatter ourselves and are deceived into an opinion that England *must* acknowledge our independency. We on the other hand think you flatter yourselves in imagining such an acknowledgment a vast boon which we strongly desire, and which you may gain some great advantage by granting or witholding. We have never asked it of you. We only tell you, that you can have no treaty with us but as an independent State; and you may please yourselves and your children with the rattle of your right to govern us, as long as you have done with that of your King's being King of France, without giving us the least concern, if you do not attempt to exercise it. That this pretended right is indisputable, as you say, we utterly deny.

Your parliament never had a right to govern us, and your King has forfeited it by his bloody tyranny. But I thank you for letting me know a little of your mind, that even if the parliament should acknowledge our independency, the act would not be binding to posterity, and that your nation would resume and prosecute the claim as soon as they found it convenient from the influence of your passions, and your present malice against us. We suspected before, that you would not be actually bound by your conciliatory acts longer than till they had served their purpose of inducing us to disband our forces, but we were not certain that you were knaves by principle, and that we ought not to have the least confidence in your offers, promises or treaties, though confirmed by parliament. I now indeed recollect my being informed long since, when in England, that a certain very great personage, then young, studied much a certain book entitled *Arcana imperii.* I had the curiosity to procure the book and read it. There are sensible and good things in it, but some bad ones; for if I remember right, a particular king is applauded for his politically exciting a rebellion among his subjects at a time when they had not strength to support it, that he might in subduing them take away their privileges which were troublesome to him: and a question is formally stated and discussed, "*Whether a prince, who to appease a revolt, makes promises of indemnity to the revolters, is obliged to fulfil those promises?*" Honest and good men would say aye: but this politician says, as you say,—no. And he gives this pretty reason, that though it was right to make the promises, because otherwise revolt would not be suppressed; yet it would be wrong to keep them, because revolters ought to be punished to deter future revolts. If

these are the principles of your nation, no confidence can be placed in you, it is in vain to treat with you, and the wars can only end in being reduced to an utter inability of continuing them.

One main drift of your letter seems to be to impress me with an idea of your own impartiality, by just censures of your ministers and measures, and to draw from me propositions of peace, or approbations of those you have enclosed me, which you intimate may by your means be conveyed to the king directly without the intervention of those ministers. Would you have me give them to, or drop them for a stranger I may find next Monday in the church of Notre Dame, to be known by a rose in his hat? You yourself, Sir, are quite unknown to me, you have not trusted me with your name. Our taking the least step towards a treaty with England through you, might, if you are an enemy, be made use of to ruin us with our new and good friends. I may be indiscreet enough in many things; but certainly if I were disposed to make propositions (which I cannot do, having none committed to me to make) I should never think of delivering them to the Lord knows who, to be carried to the Lord knows where; to serve no one knows what purposes. Being at this time one of the most remarkable figures in Paris, even my appearance in the church of Notre Dame, where I cannot have any conceivable business, and especially being seen to leave or drop any letter to any person there, would be a matter of some speculation, and might from the suspicions it must naturally give, have very mischievous consequences to our credit here. The very proposing of a correspondence so to be managed, in a manner not necessary where *fair dealing* is intended, gives just reason to suppose you

intend *the contrary*. Besides, as your court has sent commissioners to treat with the congress, with all the powers that would be given them by the crown under the act of parliament, what *good purpose* can be served by privately obtaining propositions from us? Before those commissioners went, we might have treated in virtue of our general powers, (with the knowledge, advice, and approbation of our friends) upon any propositions made to us. But under the present circumstances for us to make propositions, while a treaty is supposed to be actually on foot with the congress, would be extremely improper, highly presumptuous with regard to our honourable constituents, and answer no good end whatever.

I write this letter to you notwithstanding, (which I think I can convey in a less mysterious manner; and think it may come to your hands;) I write it because I would let you know our sense of your procedure, which appears as insidious as that of your conciliatory bills. Your true way to obtain peace, if your ministers desire it, is to propose openly to the congress fair and equal terms; and you may possibly come sooner to a resolution, when you find that personal flatteries, general cajolings, and panegyrics on our *virtue* and *wisdom* are not likely to have the effect you seem to expect, the persuading us to act *basely* and *foolishly* in betraying our country and posterity into the hands of our most bitter enemies, giving up or selling of our arms, and warlike stores, dismissing our ships of war and troops, and putting those enemies in possession of our forts and ports. This proposition of delivering ourselves bound and gagged, ready for hanging without even a right to complain, and without a friend to be found afterwards among all mankind, you would have us embrace

upon the faith of an act of parliament! Good God! an act of your parliament!! This demonstrates that you do not yet know us, and that you fancy we do not know you: but it is not merely this flimsy faith that we are to act upon; you offer us *hope*, the hope of PLACES, PENSIONS and PEERAGES. These, judging from yourselves, you think are motives irresistible. This offer to corrupt us, Sir, is with me your credential, and convinces me that you are not a private volunteer in your application. It bears the stamp of British Court intrigue, and the signature of your King. But think for a moment in what light it must be viewed in America. By PLACES which cannot come among us, for you take care by a special article to keep them to yourselves. We must then pay the salaries in order to enrich ourselves with these places. But you will give us PENSIONS; probably to be paid too out of your expected American revenue; and which none of us can accept without deserving and perhaps obtaining a *suspension*. PEERAGES! alas! Sir, our long observation of the vast servile majority of your peers voting constantly for every measure proposed by a minister, however weak or wicked, leaves us small respect for them, and we consider it as a sort of tar-and-feather honour, or a mixture of foulness and folly; which every man among us who should accept from your King would be obliged to renounce or exchange for that conferred by the mobs of their own country, or wear it with everlasting shame.

I am, Sir, your humble servant, B. FRANKLIN.

Letter in answer to the Propositions of quitting the Alliance with France.

Supposed to be to DAVID HARTLEY, Esq.

DEAR SIR, *Passy, Feb.* 3, 1779.

I have just received your favour of the 23d past, in which you mention, "that the alliance between France and America is the great stumbling block, in the way of making peace;" and you go on to observe, that "whatever engagements America may have entered into, they may, at least by the consent of parties, *be relinquished*, for the purpose of removing so material an obstacle to any general treaty of free and unengaged parties." Adding that "if the parties could meet for the sake of peace upon *free* and *open* ground, you should think *that* a very fair proposition to be offered to the people of England, and an equitable proposition in itself." The long, steady, and kind regard you have shewn for the welfare of America by the whole tenor of your conduct in parliament, satisfies me, that this proposition never took its rise with you, but has been suggested from some other quarter; and that your excess of humanity, your love of peace, and your fear for us that the destruction we are threatened with, will certainly be effected, have thrown a mist before your eyes which hindered you from seeing the malignity and mischief of it. We know that your K. hates Whigs and Presbyterians; that he thirsts for our blood; of which he has already drunk large draughts; that weak and unprincipled ministers are ready to execute the wickedest of his orders, and his venal parliament equally ready to vote them just. Not the smallest appearance of a reason can be imagined capable of inducing us to think of relin-

quishing a solid alliance with one of the most amiable as well as most powerful princes of Europe, for the expectation of unknown terms of peace to be afterwards offered to us by *such a government*. A government that has already shamefully broken all the compacts it ever made with us. This is worse than advising us to drop the substance for the shadow. The dog after he found his mistake might possibly have recovered his mutton; but we could never hope to be trusted again by France, or indeed by any other nation under heaven. Nor does there appear any more necessity for dissolving an alliance with France before you can treat with us, than there would of dissolving your alliance with Holland, or your union with Scotland before we could treat with you. Ours is therefore no *material obstacle* to a treaty as you suppose it to be. Had Lord North been the author of such a proposition, all the world would have said it was insidious, and meant only to deceive and divide us from our friends, and then to ruin us: supposing our fears might be strong enough to procure an acceptance of it. But thanks to God that is not the case! We have long since settled all the account in our own minds. We know the worst you can do to us, if you have your wish, is to confiscate our estates and take our lives, to rob and murder us; and this you have seen we are ready to hazard, rather than come again under your detested government.

You must observe, my dear friend, that I am a little warm. Excuse me! 'Tis over. Only let me counsel you not to think of being sent hither on so fruitless an errand as that of making such a proposition.

It puts me in mind of the comic farce intitled *God-send*, or *the Wreckers*. You may have forgotten it; but I will endeavour to amuse you by recollecting a little of it.

Scene. *Mount's Bay.* A ship riding at anchor in a great storm. A lee shore full of rocks, and lined with people, furnished with axes and carriages to cut up wrecks, knock the sailors on the head, and carry off the plunder; *according to custom.*

1st Wrecker. This ship rides it out longer than I expected. She must have good ground tackle.

2d Wrecker. We had better send off a boat to her, and persuade her to take a pilot, who can afterwards run her a-shore where we can best come at her.

3d Wrecker. I doubt whether the boat can live in this sea. But if there are any brave fellows willing to hazard themselves for the good of the public, and a double share —let them say Aye.

Several Wreckers. I, I, I, I.

The boat goes off, and comes under the ship's stern.

Spokesman. So ho, the ship, ahoa!

Captain. Hulloa.

Sp. Would you have a pilot?

Capt. No, no!

Sp. It blows hard, and you are in danger.

Capt. I know it.

Sp. Will you buy a better cable? we have one in the boat here.

Capt. What do you ask for it?

Sp. Cut that you have, and then we'll talk about the price of this.

Capt. I shall do no such foolish thing. I have lived in your parish formerly, and know the heads of ye too well to trust ye: keep off from my cable there; I see you have a mind to cut it yourselves. If you go any nearer to it, I'll fire into you and sink you.

Sp. It is a damn'd rotten French cable, and will part

of itself in half an hour. Where will you be then, Captain? you had better take our offer.

Capt. You offer nothing, you rogues, but treachery and mischief. My cable is good and strong, and will hold long enough to baulk all your projects.

Sp. You talk unkindly, Captain, to people who came here only for your good.

Capt. I know you come for all our *goods*, but, by God's help, you shall have none of them. You shall not serve us as you did the Indiamen.

Sp. Come, my lads, let's be gone. This fellow is not so great a fool as we took him to be.

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To David Hartley, Esq.

Dear Sir, *Passy, Feb.* 22, 1779.

I received your proposition for removing the stumbling-block. Your constant desires of peace ought to endear you to both sides; but this proposition seems to be naturally impracticable. We can never think of quitting a solid alliance made and ratified, in order to be in a state for receiving unknown proposals of peace which may vanish in the discussion. The truth is we have no kind of faith in your government, which appears to us as insidious and deceitful as it is unjust and cruel. Its character is that of the *spider* in *Thompson*,

> ——————— *cunning and fierce,*
> *Mixture abhorr'd!*

Besides we cannot see the necessity of our relinquishing our alliance with France in order to a treaty, any more

than of your relinquishing yours with Holland. I am, very affectionately, yours, N. A.[1]

To David Hartley, Esq. M. P.

Dear Sir, *Passy, March* 21, 1779.

I received duly yours of the 2d instant. I am sorry you have had so much trouble in the affair of the prisoners. You have been deceived as well as we. No cartel ship has yet appeared, and it is now evident that the delays have been of design, to give more opportunity of seducing the men by promises and hardships to seek their liberty in engaging against their country. For we learn from those who have escaped, that there are persons continually employed in cajoling and menacing them, representing to them that we neglect them, that your government is willing to exchange them, and that it is our fault it is not done: that all the news from America is bad on their side; we shall be conquered and they will be hanged, if they do not accept the gracious offer of being pardoned on condition of serving the King, &c. A great part of your prisoners have been kept these six months on board a ship in Brest Road ready to be delivered: where I am afraid they were not so comfortably accommodated as they might have been in the French prisons. They are now ordered on shore. Doctor Bancroft has received your letter here. He did not go to Calais.[2]

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[1] North America.

[2] It had been intended that Dr. Bancroft should proceed to England with a power from Dr. Franklin to negotiate an exchange of prisoners, but some difficulty having arisen, of which Mr. Hartley's letter contained an intimation, that journey did not take place.

Knowing how earnestly and constantly you wish for peace, I cannot end a letter to you without dropping a word on that subject, to mark that my wishes are still in unison with yours. After the barbarities your nation has exercised against us, I am almost ashamed to own that I feel sometimes for her misfortunes and her insanities. Your veins are open, and your best blood continually running. You have now got a little army into Georgia, and are triumphing in that success. Do you expect ever to see that army again? I know not what General Lincoln or General Thompson may be able to effect against them; but if they stay through the summer in that climate, there is a certain General Fever that I apprehend will give a good account of most of them. Perhaps you comfort yourselves that our loss of blood is as great as yours. But as physicians say, there is a great difference in the facility of repairing that loss, between an old body and a young one. America adds to her numbers annually 150,000 souls. She therefore grows faster than you can diminish her, and will out-grow all the mischief you can do her. Have you the same prospects? But it is unnecessary for me to represent to you, or you to me, the mischiefs each nation is subjected to by the war: we all see clear enough the nonsense of continuing it; the difficulty is where to find sense enough to put an end to it. Adieu, my dear friend, and believe me, &c. B. FRANKLIN.

FROM DAVID HARTLEY, ESQ. TO DR. FRANKLIN.

MY DEAR FRIEND, *London, April* 22, 1779.

The bearer of this and some other papers (Mr. ——) is a very sensible and worthy gentleman,

with whom I had the pleasure of contracting an acquaintance since the commencement of the American troubles, originally upon the business of the American prisoners. It is a satisfaction to me at all times to have found him a friend to the restoration of peace between the two countries. It has likewise been an additional satisfaction and confirmation to me in my own thoughts upon that subject, to find that his sentiments, I think upon most, or all of the subjects upon which we have conversed, have coincided with mine. We both seem possessed of the opinion, that some plan of opening a negociation, upon preliminaries, which each side might find to be a sufficient security to itself, might be practicable: and then, your sentiment, which you gave me in a letter some years ago, might have its free scope and effect, viz. *A little time given for cooling might have excellent effects.*

The sentiments I have opened to you in my late letters for some months past, and which I have reduced in an inclosed paper, into a more specific shape, seem to me, upon very repeated reflection, to promise the fairest ground of good expectation. These propositions originate from myself, as a mediator: I have communications with both sides, but no authority to make proposals from either; and perhaps neither side, if I were to put the propositions separately to each (being myself unauthorized) might give me positive consent. Each side separately might say No, from what is called political prudence; and yet each side might secretly wish that the offer could be made, with a *done first* from the other party. I think the proposition of a truce for five or seven years, leaving all things in the present dispute *in statu quo*, must be advantageous to all parties, if it were only in consideration that a general satis-

factory peace to all parties *may* come among the *excellent effects of time given for cooling.* We can but fight it out at last. War never comes too late; wisdom may step in between. These matters have stolen upon us, and have arisen to great and formidable consequences from small and unexpected beginnings; but henceforward, we should know by experience what to expect. If the rage of war could but be abated, for a sufficient length of time for reason and reflection to operate, I think it would never revive. I cannot pretend to forecast the result of any negociation, but I think war would not revive; which is all that I want for my argument. Peace is a *bonum in se*; whereas the most favourable events of war are but relatively, lesser evils: certainly they are evils: *malu in se*, not *bona in se.*

I hope that a cessation of hostilities would produce a renewal of reflection: but even to take the argument at the worst advantage, the two parties are at a cooling distance of three thousand miles asunder. If the flames of war could be but once extinguished, does not the Atlantic ocean contain cold water enough to prevent their bursting out again? I am very strongly of opinion that the two nations of Great Britain and North America, would accord to the proposition of a truce *for cooling.* I cannot say whether a British ministry would accord to it, because they wont tell me: nor can I say whether an American plenipotentiary would accord to it, because probably you will not tell me. I put myself into your hands however, when I tell you frankly I am of opinion that both would accord to it, if there could be a *done first* on either side, to bind the bargain first. You have the odds of me in this matter, because you know one half of the question;

and I cannot give you any proof on the other side, but only my own presumptive judgment, upon observation, and upon a course of reasoning in my own thoughts.

But for France—my judgment would be, that if the proposition of the proposed preliminaries should be agreeable to America, France would do very unhandsomely to defeat it by their refusal. I likewise think it the interest of France; because their interest leads them to go to a certain point, and no further. There is a disparity in the operation of the terms of the alliance on the part of France, and on the part of America. The more vigorously France interposes, the better for America; in proportion to their exertions, they create, less or more, a diversion of the British force; this reasoning goes straight forward for America; but it is not so with France. There is a certain point to France, beyond which their work would fail and recoil upon themselves; if they were to drive the British ministry totally to abandon the American war, it would become totally a French war. The events of a twelvemonth past seem to bear testimony to this course of reasoning. The disadvantage upon the bargain, to America, is, that the efficacy of the French alliance to them presupposes their continuance in the war. The demur to France is, that the liberation of their new ally recoils with double weight of the war upon themselves, without any ulterior points of advantage in view, as dependent upon that alliance. I think the interest of all parties coincides with the proposition of preliminaries. The proposed preliminaries appear to me to be just and equitable to all parties; but the great object with me is to come to some preliminaries; I could almost add, whatever those preliminaries might be, provided a suspension

of arms for an adequate term of years were one, I think it would be ten thousand to one against any future renewal of the war. It is not necessary to enter at large into the reasons which induce me to think, that the British ministry as well as the American plenipotentiary would consent to the terms of the proposed preliminaries; for indeed I do not know that I am founded in that opinion with respect to either, but still I believe it of both. But what can a private person do in such a case, wishing to be a mediator for peace, having access to both parties, but equally uncertain of the reception of his mediation on either side? I must hesitate to take any public step, as by a proposition in parliament, or by any other means to drive the parties to an explanation upon any specific proposals: and yet I am very unwilling to let the session pass without some proposition, upon which the parties may meet, if they should be so inclined, as I suspect them to be. I have been endeavouring to feel pulses for some months, but all is dumb show. I cannot say indeed that I meet with any thing discouraging, to my apprehension, either as to equitableness or practicability of the proposition for preliminaries. If I could but simply receive sufficient encouragement that I should not run any hazard of obstructing any other practicable propositions, by obtruding mine, I should be very much satisfied to come forward, in that case, with mine, to furnish a beginning at least which might lead to peace.

There is nothing that I wish so much as to have an opportunity of seeing and conversing with you, having many things to say to you; but if that cannot yet happen, I have only to say, that whatever communication you may think proper to make to me which may lead to peace,

you may be assured that I shall be most strenuous in applying it to that end. In all cases of difficulty in human life, there must be confidence somewhere to enable us to extricate nations from the evils attendant upon national disputes, as they arise out of national passions, interests, jealousies, and points of honour. I am not sure whether the extreme caution and diffidence of persons in political life, be not the cause almost as frequently of the unnecessary protraction of the miseries of war, as of the final production of any superior good to any state. Peace *now* is better than peace a twelvemonth hence, at least by all the lives that may be lost in the meanwhile, and by all the accumulated miseries that may intervene by that delay. When I speak of the necessity of confidence, I would not have you to think that I trust to all professions, promiscuously, with confidence: my thoughts are free respecting all parties; and for myself, if I thought it necessary for the end of attaining any additional confidence in your esteem to enable me to co-operate the more effectually towards the restoration of peace, there is nothing that I would wish you to be assured of but this; that no fallacious offers of insincerity, nor any pretexts for covering secret designs, or for obtaining unfair advantages, shall ever pass through my hands. Believe me truly to be, not only a lover of my country, but a sincere friend to peace, and to the rights of mankind; and ever most affectionately yours, D. HARTLEY.

Lord North consented to Mr. Hartley's proposition for endeavouring to procure from the American plenipotentiary or plenipotentiaries some opening that they would be willing to commence a parley, on propositions of peace

between Great Britain and America, and supposed the terms which Mr. Hartley had in view would be something like a tacit cession of independence to America, with a truce for a certain term of years, to serve as a basis for a general treaty of accommodation and final settlement.

This last application (which was made on the 20th of April, 1779,) of Mr. Hartley's to Lord North, after several previous conferences on the subject, is the ground of the present confidential communication with Dr. Franklin, on the part of Mr. Hartley, who states to Dr. Franklin as he did to Lord North, that an auspicious beginning of a negociation is *dimidium facti*.

Mr. Hartley's ideas of the probable course of the negociation, would be to the following effect.

Five commissioners (or any three of them) to be appointed on the part of his Britannic Majesty to treat, consult, and agree upon the final settlement and pacification of the present troubles, upon safe, honourable, and permanent terms, subject to ratification by parliament.

That any one of the aforesaid commissioners be impowered to agree as a preliminary, to a suspension of all hostilities by sea and land, for a certain term of five or seven years.

That any one of the aforesaid commissioners be impowered to agree as a second preliminary, to suspend the operation and effect of any and all acts of parliament respecting America, for a certain term of five or seven years.

That it is expected, as a third preliminary, that America should be released free and unengaged from any treaties with foreign powers, which may tend to embarrass or defeat the present proposed negociation.

That a general treaty for negociation shall be set on foot as soon as may be after the agreement of the foregoing preliminaries.

N. B. A doubt seeming to arise from Lord North relative to the probability of any explanatory communication on the part of Dr. Franklin, Mr. Hartley expressed he thought it possible, that as a known friend to peace, he might be considered by Dr. Franklin as a depôt of any communications which may serve from time to time to facilitate the terms of peace: which therefore prevents this communication being considered as any direct overture from Lord North to Dr. Franklin, or from Dr. Franklin to Lord North, but as it is, merely a mediatorial proposition of Mr. Hartley as a private person, for the purpose of bringing the parties to a parley.

To David Hartley, Esq. M. P.

Dear Sir, *Passy, May* 4, 1779.

I received your several favors, viz. one of April the 10th, one of the 20th, and two of the 22d, all on the same day, but by different conveyances.

I need not repeat what we have each of us so often repeated, the wish for peace. I will begin by frankly assuring you, that though I think a direct, immediate peace, the best mode of present accommodation for Britain as well as for America, yet if that *is not* at this time practicable, and a truce *is* practicable, I should not be against a truce; but this is merely on motives of *general humanity*, to obviate the evils men devilishly inflict on men in time of war, and to lessen as much as possible the similarity of earth and hell. For with regard to particular advantages respecting the states I am connected with, I am persuaded it is theirs to continue the war, till England shall be reduced to that perfect impotence of mischief,

which alone can prevail with her to let other nations enjoy, "*Peace, Liberty, and Safety.*" I think, however, that a *short* truce, which must therefore be an *armed* truce, and put all parties to an almost equal expence with a continued war, is by no means desirable.

But this proposition of a truce, if made at all, should be made to France at the same time it is made to America. They have each of them too much honour as well as too much sense, to listen separately to any propositions which tend to separate them from each other.

I will now give you my thoughts on your ideas of a negociation in the order you have placed them. If you will number them in your copy, you will readily see to which my observations refer, and I may therefore be more concise.

To the 1*st.* I do not see the necessity or use of five commissioners. A number of talkers lengthen discussions, and often embarrass instead of aiding a settlement. Their different particular views, private interests and jealousies of each other, are likewise so many rubs in the way, and it sometimes happens that a number cannot agree to what each privately thinks reasonable, and would have agreed to, or perhaps proposed if alone. But this as the parties please.

To the 2*d.* The term of 21 years, would be better for all sides. The suspension of hostilities should be expressed to be between all parties at war. And that the British troops and ships of war now in any of the United States be withdrawn.

To the 3*d.* This seems needless, and is a thing that may be done or omitted as you please. America has no concern about those acts of parliament.

To the 4th. The reason of proposing this is not understood, nor the use of it, nor what inducement there can be for us to agree to it. When you come to treat with both your enemies, you may negociate away as much of these engagements as you can; but powers who have made a firm solid league, evidently useful to both, can never be prevailed with to dissolve it, for the vague expectation of another *in nubibus;* nor even on the certainty *that* another will be proposed, without knowing what are to be its articles. America has no desire of being free from her engagements to France. The chief is that of continuing the war in conjunction with her, and not making a separate peace: and this is an obligation not in the power of America to dissolve, being an obligation of *gratitude and justice* towards a nation which is engaged in a war on her account, and for her protection, and would be for ever binding, whether such an article existed or not in the treaty, and though it did not exist, an honest American would cut off his right hand rather than sign an agreement with England contrary to the spirit of it.

To the 5th. As soon as you please.

If you had mentioned France in your proposed suspension of arms, I should immediately have shown it to the minister, and have endeavoured to support that idea. As it stands, I am in doubt whether I shall communicate your paper or not, though by your writing it is so fair it seems as if you intended it. If I do, I shall acquaint you with the result.

The bill of which you send me a copy, was an excellent one at the time, and might have had great and good effects, if instead of telling us haughtily that our humble petition should receive no answer, the ministry had re-

ceived and enacted that bill into a law. It might have erected a wall of brass round England, if such a measure had been adopted when Fryer Bacon's brazen head cried out TIME IS! But the wisdom of it was not seen till after the fatal cry of TIME'S PAST! I am, my dear friend, &c. B. FRANKLIN.

TO DAVID HARTLEY, ESQ. M. P.

DEAR FRIEND, *Passy, Feb.* 2, 1780.

It is some time since I procured the discharge of your Captain Stephenson. He did not call here in his way home. I hope he arrived safely, and had a happy meeting with his friends and family.

I have long postponed answering your letter of the 29th June. A principal point in it on which you seemed to desire my opinion, was, the conduct you thought America ought to hold in case her allies should, from motives of ambition or resentment of former injuries, desire her to continue the war beyond what should be reasonable and consistent with her particular interests. As often as I took up your letter in order to answer it, this suggestion displeased me, and I laid it down again. I saw no occasion for discussing such a question at present, nor any good end it could serve to discuss it before the case should happen; and I saw inconveniences in discussing it. I wish therefore you had not mentioned it. For the rest, I am as much for peace as ever I was, and as heartily desirous of seeing the war ended, as I was to prevent its beginning; of which your ministers know I gave a strong proof before I left England, when in order to an accommodation, I offered at my own risque, without orders for

so doing, and without knowing whether I should be owned in doing it, to pay the whole damage of destroying the tea at Boston, provided the acts made against that province were repealed. This offer was refused. I still think it would have been wise to have accepted it. If the congress have therefore entrusted to others rather than to me, the negociations for peace, when such shall be set on foot, as has been reported; it is perhaps because they may have heard of a very singular opinion of mine, that there hardly ever existed such a thing as a bad peace, or a good war: and that I might therefore easily be induced to make improper concessions. But at the same time they and you may be assured, that I should think the destruction of our whole country, and the extirpation of our whole people, preferable to the infamy of abandoning our allies.

As neither you nor I are at present authorised to treat of peace, it seems to little purpose to make or consider propositions relating to it. I have had so many such put into my hands that I am tired of them. I will however give your proposal of a ten years' truce this answer: that though I think a solid peace made at once, a much better thing: yet if the truce is practicable and the peace not, I should be for agreeing to it. At least I see at present no sufficient reasons for refusing it, provided our allies approved of it. But this is merely a private opinion of mine, which perhaps may be changed by reasons that at present do not offer themselves. This, however, I am clear in, that withdrawing your troops will be best for you, if you wish a cordial reconciliation, and that the truce should produce a peace. To show that it was not done by compulsion, being required as a condition of the

truce, they might be withdrawn before-hand, for various good reasons. But all this is idle chat, as I am persuaded that there is no disposition for peace on your side, and that this war will yet last many years. I know nothing and believe nothing of any terms offered unto Sir Henry Clinton.

The prisoners taken in the Serapis and Countess of Scarborough, being all treated for in Holland, and exchanged there, I hope Mr. Brown's son is now safe at home with his father. It grieved me that the exchange there, which you may remember I immediately proposed, was so long delayed. Much human misery might have been prevented by a prompt compliance. And so might a great deal by the execution of parole promises taken at sea; but since I see no regard is paid to them in England, I must give orders to our armed ships that cruise in Europe, to secure their prisoners as well as they can, and lodge them in French or Spanish prisons. I have written something on this affair to Mr. Hodgson, and sent to him the second passport for a cartel to Morlaix, supposing you to be out of town. The number of prisoners we now have in France is not easily ascertained. I suppose it exceeds 100; but you may be assured that the number which may be brought over by the two cartels, shall be fully exchanged by adding to those taken by us, as many as will make up the compliment out of those taken by the French, with whom we have an account since the exchange in Holland of those we carried in there. I wish therefore you would, as was proposed, clear your prisons of the Americans who have been so long confined there. The cartels that may arrive at Morlaix, will not be detained.

You may have heard that accounts upon oath have been taken in America by order of congress, of the British barbarities committed there. It is expected of me to make a school-book of them, and to have thirty-five prints designed here by good artists and engraved, each expressing one or more of the different horrid facts, to be inserted in the book, in order to impress the minds of children and posterity with a deep sense of your bloody and insatiable malice and wickedness. Every kindness I hear of done by an Englishman to an American prisoner, makes me resolve not to proceed in the work: hoping a reconciliation may yet take place. But every fresh instance of your devilism weakens that resolution, and makes me abominate the thought of a reunion with such a people. You, my friend, have often persuaded me, and I believed it, that the war was not theirs, nor approved by them. But their suffering it so long to continue, and the wretched rulers to remain who carry it on, makes me think you have too good an opinion of them. Adieu, my dear friend, &c.

B. FRANKLIN.

FROM DAVID HARTLEY, ESQ. M. P. TO DOCTOR FRANKLIN.

MY DEAR FRIEND, *London, July* 17, 1780.

Inclosed I send you a copy of a conciliatory bill [1] which was proposed in the house of commons on

[1] *Draught of a proposed Bill for Conciliation with America.*

A Bill to invest the Crown with sufficient powers to treat, consult, and finally to agree upon the means of restoring peace with the Provinces of *North America.*

Whereas many unfortunate subjects of contest have of late

the 27th of last month. It was rejected. You and I have had so much intercourse upon the subject of restor-

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years subsisted between *Great Britain* and the several provinces of *North America* herein after recited, viz. *New Hampshire, Massachusett's Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the Three lower Counties on Delaware, Maryland, Virginia, North Carolina, South Carolina,* and *Georgia,* which have brought on the calamities of war between *Great Britain* and the aforesaid provinces: to the end therefore that the farther effusion of blood be prevented, and that peace may be restored, may it please your Majesty, that it be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same: that it shall and may be lawful for his Majesty by letters patent, under the great seal of *Great Britain,* to authorise and empower any person or persons, to treat, consult, and finally to agree with any person or persons, properly authorised on the part of the aforesaid provinces of *North America,* upon the means of restoring peace between *Great Britain* and the aforesaid provinces, according to the powers in this act contained.

And be it further enacted, that in order to facilitate the good purposes of this act, his Majesty may lawfully enable any such person or persons, so appointed by his Majesty's letters patent, as aforesaid, to order and proclaim a cessation of hostilities, on the part of his Majesty's forces by sea and land, for any time, and under any conditions or restrictions.

And be it further enacted, that in order to lay a good foundation for a cordial reconciliation and lasting peace, between *Great Britain* and the aforesaid provinces of *North America,* by restoring an amicable intercourse between the same, as soon as possible, his Majesty may lawfully enable any such person or persons, so appointed by his Majesty's letters patent, as aforesaid, to enter into, and to ratify from time to time, any article or articles of intercourse and pacification, which article or articles, so entered into and ratified from time to time, shall remain in full force and effect

ing peace between Great Britain and America, that I think there is nothing farther left to be said upon the

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for the certain term of ten years, from the first day of *August*, one thousand seven hundred and eighty.

Provided also, and be it further enacted, by the authority aforesaid, that in order to remove any obstructions which may arise to the full and effectual execution of any article or articles of intercourse and pacification, as before mentioned; that it shall and may be lawful for his Majesty, by any instrument under his sign manual, countersigned by one or more of his Majesty's principal secretaries of state, to authorise and empower any such person or persons, so appointed by his Majesty's letters patent, as aforesaid, to suspend for the term of ten years, from the first day of *August*, one thousand seven hundred and eighty, the operation and effect of any act or acts of parliament, which are now in force, respecting the aforesaid provinces of *North America*, or any clause or clauses, proviso or provisos, in any such act or acts of parliament contained; in as much as they, or any of them, may obstruct the full effect and execution of any such article or articles of intercourse and pacification, which may be entered into and ratified as before mentioned, between *Great Britain* and the aforesaid provinces of *North America*.

And be it further enacted, that in order to establish perpetual reconcilement and peace, between *Great Britain* and the aforesaid provinces of *North America*, it is hereby required, and be it enacted, that all or any article or articles of intercourse and pacification, which shall be entered into, and ratified, for the certain term of ten years as before mentioned, shall from time to time be laid before the two houses of parliament, for their consideration, as the perpetual basis of reconcilement and peace, between *Great Britain* and the aforesaid provinces of *North America*; and that any such article or articles of intercourse and pacification as before mentioned, when the same shall have been confirmed in parliament, shall remain in full force and effect for ever.

And be it further enacted, that this act shall continue to be in force until the thirty-first day of *December*, one thousand seven hundred and eighty-one.

subject. You will perceive by the general tenor of the bill that it proposes a general power to treat. It chalks out a line of negociation in very general terms. I remain in the sentiments which I ever have, and which I believe I ever shall entertain, viz. those of seeking peace upon honourable terms. I shall always be ready and most desirous to conspire in any measures which may facilitate peace. I am ever, your most affectionate,

D. HARTLEY.

TO HIS EXCELLENCY J. ADAMS, ESQ.

(EXTRACT.) *Passy, April* 29, 1781.

"I enclose you extracts of two letters ministerial, found in the same pacquet with the former, written in the fond belief that the States were on the point of submitting, and cautioning the commissioners for peace not to promise too much respecting the future constitutions. They are indeed cautiously worded, but easily understood, when explained by two court maxims or assertions, the one of Lord Granville's, late President of the Council, that *the King is the legislator of the colonies;* the other of the present Chancellor, when in the House of Commons, that *the Quebec constitution was the only proper constitution for colonies, ought to have been given to them all when first planted, and what all ought now to be reduced to.* We may hence see the danger of listening to any of their deceitful propositions, though piqued by the negligence of some of those European powers who will be much benefited by our revolution. I have the honour to be, Sir, your most obedient and most humble servant,

B. FRANKLIN.

P. S. This will be handed to you by Major Jackson, a worthy officer in the service of the States, whom I beg leave to recommend to your civilities.

To David Hartley, Esq.

Passy, June 30, 1781.

I received my dear friend's kind letter of the 15th instant, and immediately communicated your request of a passport to M. le Comte de Vergennes. His answer, which I have but just received, expresses an apprehension that the circumstance of his granting a passport to you, as you mention the purpose of your coming to be the discoursing with me on the subject of peace, might, considering your character, occasion many inconvenient reports and speculations; but that he would make no difficulty of giving it, if you assured me that you were authorised for such purpose by your ministry, which he does not think at all likely; otherwise he judges it best that I should not encourage your coming. Thus it seems I cannot have at present the pleasure you were so kind as to propose for me. I can only join with you in earnest wishes for peace, a blessing which I shall hardly live to see.

With the greatest esteem and respect, I am ever, dear Sir, &c. B. Franklin.

To his Excellency J. Adams, Esq. Amsterdam.

(Extract.)

Sir, *Passy, Oct.* 5, 1781.

I congratulate your Excellency on your recovery. I hope this seasoning will be the means of

securing your future health, by accommodating your constitution to the air of that country.

Since the letter your Excellency honoured me with of the 25th of August, I have learnt nothing new of the mediation. It seems to be at present in a state of stagnation; any farther proceedings in it that may come to my knowledge, shall be immediately communicated to you. This court appears attentive not only to the *interest* of the United States, but to their *honour*. England seems not yet tired enough of the war to think seriously of an accommodation, and till then our new commission will hardly afford us much employment, or make it necessary for us to appoint a secretary in its service; I send however enclosed, a copy of the minute of congress relating to that appointment. I have not heard of Mr. Dana's arrival at Petersburgh: if your Excellency has received any communicable advices from him, I shall be glad to see them, and to know whether he is likely to continue there. Enclosed is a letter for him, and another for yourself: they appear to me to have been opened; but they are in the state I received them, under cover from Mr. Nesbit of L'Orient.

A letter from America that has been shown me, mentions a resolution of congress to exchange General Burgoyne for Mr. Laurens; but I have never seen that resolution. Do you know any thing of it? I have a letter from Mr. Burke on the subject of that General, which I am at a loss to answer. I have the honour to be, &c.

B. FRANKLIN.

To his Excellency J. Adams, Esq.

Sir, *Passy, Oct.* 12, 1781.

I received the letter your Excellency did me the honour of writing to me the 4th instant.

I have never known a peace made, even the most advantageous, that was not censured as inadequate, and the makers condemned as injudicious or corrupt. "Blessed *are the peace-makers*," is, I suppose, to be understood in the other world, for in this they are frequently *cursed*. Being as yet rather too much attached to this world, I had therefore no ambition to be concerned in fabricating this peace, and know not how I came to be put into the commission. I esteem it, however, as an honour to be joined with you in so important a business; and if the execution of it shall happen in my time, which I hardly expect, shall endeavour to assist in discharging the duty according to the best of my judgment.

Immediately on receipt of the commission of instructions, I communicated them as directed, to this court. The steps that have been taken in the mediation, were verbally communicated to me, but as yet I have had no copies given me of the papers, I asked if it was not proper to communicate to the ministers of the mediating powers, the commission of congress empowering us to accept their mediation; and was advised to postpone it a little. I will endeavour on Tuesday next, to obtain for you a copy of the answer of the British court, which you desire, and will consult on the propriety of mentioning our commission in the public papers.

I have heard nothing of Mr. Jefferson. I imagine the story of his being taken prisoner is not true. From his

original unwillingness to leave America when I was sent hither, I think his coming doubtful, unless he had been made acquainted with and consented to the appointment.

I hope your health is fully established. I doubt not but you have the advice of skilful physicians, otherwise I should presume to offer mine, which would be, though you find yourself well, to take a few doses of bark, by way of fortifying your constitution, and preventing a return of your fever.

With the greatest respect, I have the honour to be, &c.

B. FRANKLIN.

FROM WM. ALEXANDER, ESQ. TO DR. FRANKLIN.

MY DEAR SIR, *Paris, Dec.* 15, 1781.

I told you last time I had the pleasure of seeing you at Passy, that I should make a trip to London, but had no notion it would be so soon. On coming to town last evening, I found such pressing letters that I propose setting off this evening or to-morrow at latest. I would have called if possible to receive your commands, but as I am pinched in time, must content myself with sending for them. The bearer will call for them an hour after receiving this letter.

I shall probably be interrogated about the dispositions in this country to peace. My own idea is, that you seek only your independence, and that *this* country, were that secured, will be moderate in other matters, as the object of the war does not seem to be conquest. Let me know if this is proper language. I notice that a courtly argument has been used in parliament for continuing the continental war, that withdrawing would make you insolent

and give France exclusive advantages—were it not proper that this were contradicted flatly? Any commissions you may have will be taken care of, and I shall be back, barring accidents, in three weeks. Wishing you every thing that is good, I remain with equal esteem and respect, dear Sir, your most obedient humble servant,

W. ALEXANDER.

ANSWER TO MR. ALEXANDER.

DEAR SIR, *Passy, Dec.* 15, 1781.

I thank you for informing me of your intended journey. You know so well the prevailing sentiments here, and mine in particular, that it is unnecessary for me to express them; and having never been believed on that side the water, it would be useless. I will say however, that I think the language you mention very proper to be held, as it is the truth; though the truth may not always be proper. Wishing you a good voyage, and happy return to your children, I am with great esteem, dear Sir, yours, &c. &c,

B. FRANKLIN.

TO DAVID HARTLEY, ESQ. M. P.

[Sent by Mr. Alexander, with a Pamphlet.]

MY DEAR FRIEND, *Passy, Dec.* 15, 1781.

I received your favour of September 26, containing your very judicious proposition of securing the spectators in the opera and play-houses from the danger of fire. I communicated it where I thought it might be useful. You will see by the inclosed that the subject has been under consideration here. Your concern for the

security of life, even the lives of your enemies, does honour to your heart and your humanity. But what are the lives of a few idle haunters of play-houses compared with the many thousands of worthy men and honest industrious families butchered and destroyed by this devilish war! O! that we could find some happy invention to stop the spreading of the flames, and put an end to so horrid a conflagration! Adieu, I am ever, yours most affectionately,

B. FRANKLIN.

FROM DAVID HARTLEY, ESQ. TO DR. FRANKLIN.

MY DEAR FRIEND, *London, Jan.* 2, 1782.

I have received the favour of yours of the 15th of December by Mr. Alexander. I most heartily join with you in the wish that we could find some means to stop the spreading flames of this *devilish war*. I will not despair. The communications which he has imparted to me from you, have revived my hopes of peace. I laid them before the minister immediately. We are at a suspense for the present upon a very material preliminary. I did intend writing to you at the present pause, that we might make our ground good as we go on, but an incident which has happened obliges me to do it without delay. For having had a most essential question transmitted to me from Lord North for explanation, when I would have applied to Mr. Alexander I could not hear of him; and now I find that he has left his hotel these four or five days, and his return uncertain, I must apply to you. I will state to you what has passed.

Upon my first interview with Mr. Alexander, he told me that the late events would make no difference in the

prospect of peace; that America had no other wish than to see a termination of this war; that no events would make them unreasonable on that subject, which sentiments likewise your letter expresses; and that no formal recognition of independence would be required. I thought this a very fair opening, but the next point which he explained to me seemed to be still more material towards peace, viz. *that America was disposed to enter into a separate treaty with Great Britain, and their allies were disposed to consent to it.*[1] I believe that it has been the unfortunate union of common cause between America and France, which has for the last three years turned aside the wish of the people of England for peace. I verily believe (so deep is the jealousy between England and France) that this country would fight for a straw to the last man, and the last shilling, rather than be dictated to by France. I therefore consider this as the greatest rub out of the way. I have often argued this point with you upon former occasions, having at all times foreseen that it would be the greatest rub in the road to peace, and I have often stated it to you as an act of *justice* due to America from her allies, not to drag her through a war of European resentments and jealousies beyond her original views and engagements, and moreover I think the separation of the causes in the negociation promises much the shortest road to a general peace.

Upon Mr. Alexander's opening thus much to me, I told him I would apply for the earliest opportunity of laying these matters before the minister. Accordingly, on Friday morning (December 21), I applied through the means of

[1] A great misconception.

the Earl of Guildford (father to Lord North) a nobleman of a most respectable character, advanced in years, and attached by every possible tie to a son now in a most arduous situation. I therefore requested the favour through his hands, as giving me the most conciliatory access to the minister, to whom I was preparing to make an application for peace. After the appointment was made with Lord North for Friday evening, I returned to Mr. Alexander to consider the specific manner and terms in which I should make my application. It had occurred to me from what Mr. Alexander had stated to me, that the conciliatory bill[1] which I had moved in the last parliament, on June 27, 1780, would still serve as a foundation to proceed upon. I therefore carried it with me. He told me that he and you knew the sense of the bill very well, and that it would be entirely consonant to your sentiments, that I should state it to Lord North, as drawing an outline for negociation of peace. However to avoid all errors, I read the bill through to him, and explained the view of each clause, viz. the style of *provinces of North America*—a general phrase to avoid any term denoting dependence or independence. The truce—for an indefinite term. The articles of intercourse for ten years certain—to restore an amicable correspondence—and to abate animosities. The suspension of certain acts of parliament—to avoid every possible question of dependence or independence. And to finish the work by a ratification of each article of intercourse as agreed to, thereby to prevent all possible return of war. I compared the articles of intercourse for a short term, and their ratification into a permanent peace, to a well known

[1] See Mr. Hartley's letter of July 17, 1780.

mode of proceeding in the laws of England, by lease and release, from temporary to perpetual amity and peace. Upon these grounds I took my commission from him for Lord North, viz. the question of dependence or independence *sub silentio*—a separate treaty with America, and to state the conciliatory bill of June 1780, as the outline of negociation. I saw Lord North in the evening, and stated the foregoing propositions to him, as I have now stated them to you. After having stated the compromise *sub silentio* and the separate treaty, I left with Lord North the copy of the bill of June 1780, together with a paper entitled Conciliatory Propositions, as explanatory of that bill (both inclosed with this). The next morning (viz. Saturday, December 22), I saw Mr. Alexander and reported to him what I had stated to Lord North, and shewed him a copy of the paper entitled conciliatory propositions. He told me that I had executed my commission perfectly to his intelligence of the matter. I should tell you that at the conclusion of my conversation with Lord North, we both settled jointly the result thus, "I recommend to your Lordship the propositions which I have had the honour of stating to you, as *the general grounds of a proposed negociation leading towards peace, under liberal constructions.*" Lord North said in answer, "so I understand them."

Upon this footing matters rested for some days. On Sunday last (December 30) I received a message from Lord North through the means of Lord Guildford, requesting an explanation on this point, viz. "Who is authorised to treat on the part of America? whether you or Mr. Adams, or both jointly, and whether the propositions above stated would be acknowledged as general grounds

of negociation towards peace, by the person or persons authorised to treat, because it was necessary before he could lay a matter of so great importance before the cabinet council, that he should be entitled to say, "These propositions and general outlines come to me from responsible and authorised persons." The moment I received the request of Lord North I agreed entirely with the necessity of an explanation on that head. I had partly expected such an enquiry, and it gave me satisfaction when it came, as I thought it the first reply towards a parley. If the propositions had not gained some attention it would have been of very little importance to have enquired whence they came. As to the caution itself, it appears to me not only prudent but indispensable. The forms of caution in such cases are the essentials of caution. I had determined on my own account before this message to have writ to you, that I might have received your sentiments directly from yourself without any other intervention, that we might proceed with caution and certainty in a matter of such infinite importance. This message has only quickened my dispatch. The two points of explanation requested, I take to be these; whether the outlines above recited are properly stated, always considering that they imply no farther than *general grounds of negociation towards peace, under liberal constructions;* and secondly by what authorised person or persons any answer on this subject would be accepted; in short a requisition of credentials preparatory to a formal answer, which is so much the more necessary on the supposition of a favourable reception of the first hint towards negociation.

When I last saw Mr. Alexander, about four or five days ago, he had met with some desponding impressions, as if

the ministry were indisposed to peace, and that things would not do, &c. He did not tell me upon what ground he had formed such apprehensions: however, lest he should have imparted any such by letter to you, I will state that point to you, because it may have infinite ill consequences to be too touchy on such suspicions. A premature jealousy may create the very evil it suspects. The ministry in this country are not every thing. The sense of the people when really expressed and exerted, would be most prevalent. Suppose then it were a proved point that every man in the ministry were in his heart adverse to peace. What then! withhold all overtures! By no means. I should advise the very contrary in the strongest manner. I should say, let the overtures be made so much the more public and explicit, by those who do wish for peace. It is the unfortunate state of things which has hitherto bound the cause of France to any possible treaty with America, and which has thereby thrown a national damp upon any actual public exertions to procure a negociation for peace with America. I have the strongest opinion that if it were publicly known to the people of England that a negociation might be opened with America upon the terms above specified, that all the ministry together, if they were ill disposed to a man, would not venture to thwart such a measure. But why should it be supposed that the ministry to a man are ill disposed to a peace? Suppose them to be half and half, and the public wish and voice of the people in favour of negociation, it is evident on which side the balance would incline. But why should we seek to throw a damp prematurely upon any chance? Why presume even against any individual? I grant that it would be a bitter trial of humility to be brought to a formal re-

cognition of independence at the haughty command of France, and I believe every part of the nation would proceed to every extremity before they would submit to that. But if that touchy point can be provided for *sub silentio*, and if the proposed treaty with America may be carried on free from controul by France, let us give the cause of peace a fair trial; at the worst we should but be where we were if we should fail. But why should we expect to fail when the greatest rub is removed by the liberty of entering separately into a treaty? I think it a most favourable event leading towards peace. Give us a truce with its concomitants, and a little time so given for cooling will have most excellent effects on both sides. Eternal peace and conciliation may then follow. I send this to you by the quickest dispatch, that we may bring this point to a fair issue before the meeting of parliament. God prosper the blessed work of peace. I am ever yours most affectionately, D. H.

CONCILIATORY BILL.

In the title and preamble of the bill the words *provinces of North America* are used as general words, neither implying dependence or independence.

Clause 1. *The Truce* is taken from the conciliatory act of 1778, and is indefinite as to the proposed duration of the truce. Under this clause it might be proposed to negociate three points, viz. the removal of the British troops from the thirteen provinces of North America, and connectedly with this article a stipulation for the security of the friends of the British government. The third article might be a stipulation that the respective parties during

the continuance of the truce should not either directly or indirectly give assistance to the enemies of each other.

Clause 2. *Articles of intercourse and pacification.* Under this clause some arrangements might be settled for establishing a free and mutual intercourse, civil and commercial, between Great Britain and the aforesaid provinces of North America.

Clause 3. *Suspension of certain acts of parliament.* By this clause a free communication may be kept open between the two countries, during the negociation for peace, without stumbling against any claim of rights which might draw into contest the question of dependence or independence.

Clause 4. *The ratification by parliament.* The object of this clause is to consolidate peace and conciliation step by step as the negociation may proceed, and to prevent, as far as possible, any return of war, after the first declaration of a truce. By the operation of this clause a temporary truce may be converted into a perpetual and permanent peace.

Clause 5. *A temporary act.* This clause creating a temporary act for a specific purpose of negociation in view, is taken from the act of 1778.

P. S. January 8, 1782.

Since writing this letter I have seen Mr. Alexander, and shall see him from time to time to communicate with him. I do not suppose I shall have an answer from Lord North till the preliminary points are so settled as to enable him to give an answer in form. Ministry might undoubtedly give a short negative if they thought proper, but I do not expect that. You may be

assured that I have and shall continue to enforce every argument in the most conciliatory manner to induce a negociation. I am very sorry for Mr. A.'s confinement on his own account, and on that of his friends, and because probably in the future state of this business, his personal exertions may be very serviceable in the cause of peace. Every assistance and every exertion of mine will always be most heartily devoted to that cause. I have nothing farther to add, either upon my own reflections or from my subsequent conversations with Mr. A. to what I have stated in the foregoing letter. If we once make a good beginning upon the plan there stated, I should hope that such a negociation, founded on such principles, would promise fair to produce every salutary and pacific consequence in the event.

[*Answer to the foregoing.*]

To D. Hartley, Esq. M. P.

Dear Sir, *Passy, January* 15, 1782.

I received a few days since your favour of the 2d instant, in which you tell me, that Mr. Alexander had informed you "America was disposed to enter into a separate treaty with Great Britain." I am persuaded that your strong desire for peace has misled you, and occasioned your greatly misunderstanding Mr. Alexander, as I think it scarce possible he should have asserted a thing *so utterly void of foundation.* I remember that you have, as you say, often urged this on former occasions, and that it always gave me more disgust than my friendship for you permitted me to express. But since you have now gone so far as to carry such a proposition to

Lord North, as arising from us, it is necessary that I should be explicit with you, and tell you plainly, that I never had such an idea, and I believe there is not a man in America, a few English Tories excepted, that would not spurn at the thought of deserting a noble and generous friend for the sake of a truce with an unjust and cruel enemy. I have again read over your Conciliatory Bill, with the manuscript propositions that accompany it; and am concerned to find that one cannot give vent to a simple wish for peace, a mere sentiment of humanity, without having it interpreted as a disposition to submit to any base conditions that may be offered us rather than continue the war: for, on no other supposition could you propose to us a truce of ten years, during which we are to engage not to assist France while you continue the war with her. A truce too wherein nothing is to be mentioned that may weaken your pretensions to dominion over us, which you may therefore resume at the end of the term or at pleasure; when we have so covered ourselves with infamy by our treachery to our first friend, as that no other nation can ever after be disposed to assist us, how cruelly soever you might think fit to treat us. Believe me, my dear friend, America has too much understanding and is too sensible of the value of the world's good opinion to forfeit it all by such perfidy. The Congress will never instruct their Commissioners to obtain a peace on such ignominious terms; and though there can be but few things in which I should venture to disobey their orders, yet if it were possible for them to give me such an order as this, I should certainly refuse to act, I should instantly renounce their commission and banish myself for ever from so infamous a country.

We are a little ambitious too of your esteem; and as I think we have acquired some share of it, by our manner of making war with you, I trust we shall not hazard the loss of it by consenting meanly to a dishonourable peace.

Lord North was wise in demanding of you some authorized persons. He justly thought it too improbable to be relied on, so as to lay it before the privy council. You can now inform him that the whole has been a mistake, and that no such proposition as that of a separate peace has been, is, or is ever likely to be made by me, and I believe by no other authorized person whatever in behalf of America. You may farther, if you please, inform his Lordship, that Mr. Adams, Mr. Laurens, Mr. Jay and myself, have long since been empowered by a special commission to treat of peace, whenever a negociation shall be opened for that purpose: but it must always be understood that this is to be in conjunction with our allies, conformably to the solemn treaties made with them.

You have, my dear friend, a strong desire to promote peace, and it is a most laudable and virtuous desire. Permit me then to wish that you would, in order to succeed as a mediator, avoid such invidious expressions as may have an effect in preventing your purpose. You tell me that no stipulation for our independence must be in the treaty, because you "verily believe (so deep is the jealousy between England and France) that England would fight for a straw to the last man and the last shilling, rather than be *dictated to* by France." And again, that, "the nation would proceed to every extremity rather than be brought to a formal recognition of independence at the *haughty command* of France." My dear Sir, if every proposition of terms for peace that may be made by one

of the parties at war is to be called and considered by the other as *dictating*, and a *haughty command*, and for that reason rejected with a resolution of fighting to the last man rather than agree to it, you see that in such case no treaty of peace is possible. In fact we began the war for independence on your government, which we found tyrannical, and this before France had any thing to do with our affairs; the article in our treaty whereby the "two parties engage that neither of them shall conclude either truce or peace with Great Britain without the formal consent of the other first obtained; and mutually engage not to lay down their arms until the independence of the United States shall have been formally or *tacitly* assured by the treaty or treaties that shall terminate the war," was an article inserted at our instance, being in our favour. And you see by the article itself, that your great difficulty may be easily got over, as a formal acknowledgment of our independence is not made necessary. But we hope by God's help to enjoy it, and I suppose we shall fight for it as long as we are able. I do not make any remarks on the other propositions, because I think that unless they were made by authority, the discussion of them is unnecessary and may be inconvenient. The supposition of our being disposed to make a separate peace, I could not be silent upon, as it materially affected our reputation and essential interests. If I have been a little warm on that offensive point, reflect on your repeatedly urging it, and endeavour to excuse me. Whatever may be the fate of our poor countries, let you and I die as we have lived, in peace with each other. Assuredly I continue with great and sincere esteem, my dear friend, yours most affectionately,

B. FRANKLIN.

FROM D. HARTLEY, ESQ. M. P. TO DR. FRANKLIN.

MY DEAR SIR, *London, Jan.* 24, 1782.

I received yours of the 15th instant, this day. I must take the earliest opportunity of setting you right in one mistake, which runs through your whole letter, and which to you, under that mistake, must be a very delicate point. You seem to apprehend that America has been stated in the proposition to Lord North, as "disposed to enter into a separate treaty with Great Britain;" but you omit the condition; viz. in the words immediately following, "*and that their allies were disposed to consent to it.*" There cannot possibly be any supposition of treachery to allies, in any proposition to which they may *consent*. A separate treaty with the *consent* of the allies of America, was the proposition communicated to me by Mr. Alexander, and which I laid before the minister, and which I reported back again to Mr. Alexander, in writing, when I shewed him the paper entitled "Conciliatory Propositions," which I took care to reduce to writing, with a view of avoiding mistakes: therefore I have not *misunderstood* Mr. Alexander. I have since seen Mr. A. many times, and he has always stated one and the same proposition, viz. that America was disposed to enter into a separate treaty because their *allies were disposed to consent that they should.* Therefore there cannot exist a suspicion of treachery. It occurred to me once whilst I was writing, to bar against that misconstruction: but, having specified the *consent of the allies of America,* in the same sentence, I could not conceive such a misconstruction to have been possible. You have

mistaken another point greatly. You say, "a truce for *ten* years." There is not in the bill any such disposition or thought; on the contrary, it is specified in the enclosed paper, that it is kept *indefinite*, for the sole purpose of avoiding the suspicion which you have suggested. The truce may be for 20, or 50, or 100 years, (in my opinion the longer the better). But in any case, what I mean now to state is the *indefinite* term in the bill. The articles of intercourse are only proposed for ten years certain, just to strew the way with inviting and conciliatory facilities, in the hope that *a little time given for cooling* would confirm a perpetual peace. If I were permitted to be the mediator I should certainly propose the truce for 20 years: but if no more than ten years could be obtained, I would certainly not refuse such a ground of pacification and treaty. I refer you to several of my letters two or three years ago, for the justification of my sentiments on that head. Another point: look at all my letters since 1778, and see if I have at any time suggested any breach of treaty or of honour: on the contrary, I think a faithless nation, if exterminated, would not deserve the pity of mankind. I speak of all that *I know* in the treaty between America and France, and what I think *reasonable* upon the case itself. If America is farther bound than we *know* of, they must abide by it. I speak to the apparent and public foundation of the treaty, article second with the provision of *tacitly* from article eight. and now I refer you to my letter to you, as long ago as April 10, 1779: "If beyond this essential and directed end, and upon grounds totally unconnected with that alliance, not upon motives of magnanimity *for the relief of an innocent people*, but from distinct and unconnected motives of private

European sentiments, America should be dragged into the consequence of a general European war, she may apply to France the apostrophe of the poet, speaking in the person of Helen to Paris "*non hoc pollicitus tuæ.*" You see therefore that our sentiments have been uniform, and as I think reasonable, because I still remain in those sentiments. Suppose for instance (and you call it the case of a straw if you please) that Great Britain and France should continue the war for ten years, on the point of a commissary at Dunkirk, aye or no:—would it be *reasonable* or a *casus fœderis*, that America should be precluded from a separate treaty for ten years, and therefore involved in the consequential war, after the *essential and direct ends* of the treaty of February 6, 1778, were accomplished? As far as my judgment goes, upon the knowledge of such facts as are public, I should think it was neither *reasonable* nor a *casus fœderis*. This is the breviate of the argument, in which there is no thought or suggestion of any breach of faith or honour. I did conclude that France was disposed to give their *consent*, because Mr. Alexander informed me so, and because I thought it *reasonable* that France should *consent*, and *reasonable* that America should enjoy the benefit of that *consent*. I transmitted it to Lord North as a proposition temperate and pacific on the part of America, and consented to by their allies, and on no other ground did I transmit or propose it. All that your letter tells me, is, "that America will not break it with her allies, and that her commissioners will not entertain such a thought;" but give me leave to add, that they, as honest men, cannot disdain such a thought, more than I do, every honest man ought to disdain the office, or the thought of proposing a breach of faith to them. I have

often told you, that such an office or such a thought shall never be mine. But you have not told me that France would not be *disposed* to *consent* to a separate treaty of peace, for that ally whose peace was the original declared object of the alliance. In the case supposed, viz. of certain supposed or real punctilios between two proud and belligerent nations, which might possibly involve America, for years, in a war totally unconnected with the objects of the alliance. Besides, if any rubs should occur in the road to a general peace, France is too proud a nation to say, that beyond the *policy* of contributing to the separation of America from Great Britain in any contest of rivalship, they cannot meet their rivals in war, without the *assistance* of America. I cannot conceive that the minister of a great belligerent nation could entertain such a thought, as affecting their own sense of honor, or be so *unreasonable* to their allies, as to withhold consent to their peace, when *the essential and direct ends* of the alliance were satisfied. Observe, I do not contend against a general peace: on the contrary, I mean to recommend the most prudent means for producing it. But, as an anxious lover of peace, I feel terrors which dismay me, and I consider the dangers which may obstruct a general peace, arising from the pride and prejudices of nations, which are not to be controuled in their heat by arguments of reason or philosophy. Can any man in reason and philosophy tell me, why any two nations in the world are called natural enemies, as if it were the ordinance of God and nature. I fear it is too deeply engraved in the passions of man, and for that reason I would elude and evade the contest with such passions. I would strew the road to peace with flowers, and not with thorns. *Haughty*, and *dictating*,

and *commands* are no words of mine; I abhor them, and I fear them. I would elude their force by gentle means, and step by step. In article eight, there are the following words: "By the treaty or treaties that shall terminate the war." Let us have one treaty begun, and I think the rest would follow. I fear when contending passions are raised lest we should lose all by grasping at too much.

January 25. I have just seen Mr. Alexander, and have talked the matter over with him. I send you a copy of his sentiments upon it, which, for the sake of avoiding farther mistakes, he committed to paper, and which, I think, justify me in saying that I understood from him, that France was *disposed to give their consent*, as he *explained* it to me, and as I explained it to the minister. He did not say, nor did I understand him to say, that he was *authorized* by the French ministry, or by any one else, to declare that France had bound herself to consent, or that any such requisition had been made to her; but that it was his opinion that France would consent, and that I might proceed upon that presumption, so far as to recommend overtures of negociation. Accordingly the phrase of my letter to you, is, that he *explained* to me, *that their allies were disposed to consent.* You see what his opinion is on this day; and as you have not told me that France will not consent, the *reasonable* probability which still remains with me, for the hopes of opening an amicable treaty, remains as it did. I could not delay saying thus, by the very first mail, upon a point equally delicate to me, as well as to yourself. My dear friend, I beg of you not to think, either that you can be considered as capable of entertaining, or that I should be capable of suggesting, any unworthy or dishonorable propositions. If

there has been any misunderstanding, it is now cleared up: and the ground for negociation remains open as before. I therefore still entertain my hopes. I am ever your affectionate, D. H.

Explanatory letter of Mr. ALEXANDER to Mr. HARTLEY, referred to in the preceding.

DEAR SIR,

As I had not the opportunity of seeing your correspondence at the time, I was unable to prevent the misunderstanding that seems to have arisen. There is no proposition of which I am more convinced, than that, "Nothing can be done without the concurrence of allies." But, as the chief obstruction towards an accommodation seemed to me to lie in the personal character of some who have great weight in this matter, and as the object of the war (the independence of America) seems, in the opinion of all men, to be secured, my own opinion was and still is, that there was so much wisdom and moderation where prejudice prevents us from seeing it, that, provided the ends of the war are accomplished to the satisfaction of all parties, they will be very ready to let us out of it, in the most gentle manner, by consenting equally that the business shall go on in one, two, or three separate deeds, as shall be most palatable here: and to doubt that our friends are desirous of finishing the contest, with the approbation of their allies, is to doubt their understanding. I am, with the greatest esteem, yours, &c.

W. ALEXANDER.

London, Jan. 25, 1782.

FROM DAVID HARTLEY, ESQ. M. P. TO DR. FRANKLIN.

MY DEAR FRIEND, *London, Feb.* 1, 1782.

I write to you one line by this mail only to tell you that I have seen the minister since I last wrote to you, and that he never did entertain the idea one moment of any propositions being thrown out on your part in the least degree inconsistent with the strictest honour and faith to the allies. I had no occasion to guard against or to explain any such thought, having at all times conveyed the contrary to him in the most explicit terms. I transmit this to you for your full satisfaction. We have had much conversation on the subject of peace, which you may be sure I have most zealously endeavoured to enforce. *I should not do him justice if I did not add that I believe his wishes are for peace,* and that he gives the most serious attention to every argument, and to the suggestion of every practicable means on that subject. I have stated many things for his consideration, and for consultation with others, after which I shall see him again. I heartily wish the result may be favourable to the prospect of peace. I am ever, your affectionate, D. HARTLEY.

TO DAVID HARTLEY, ESQ. M. P.

DEAR SIR, *Passy, Feb.* 16, 1782.

I received your favour of the 24th past. You have taken pains to rectify a mistake of mine relating to the aim of your letters. I accept kindly your replication, and I hope you will excuse my error, when you reflect that I knew of no consent given by France to our

treating separately of peace, and that there has been mixed in some of your conversations and letters various reasonings, to show that if France should require something of us that was unreasonable we then should not be obliged by our treaty to join with her in continuing the war. As there never had been such requisition, what could I think of such discourses? I thought as I suppose an honest woman would think, if a gallant should entertain her with suppositions of cases in which infidelity to her husband would be justifiable. Would not she naturally imagine, seeing no other foundation or motive for such conversation, that if he could once get her to admit the general principle, his intended next step would be to persuade her that such a case actually existed. Thus knowing your dislike of France, and your strong desire of recovering America to England, I was impressed with the idea that such an infidelity on our part would not be disagreeable to you; and that you were therefore aiming to lessen in my mind the horror I conceived at the idea of it. But we will finish here by mutually agreeing that neither you were capable of proposing nor I of acting on such principles.

I cannot however forbear endeavouring to give a little possible utility to this letter, by saying something on your case of Dunkirk. You do not see why two nations should be deemed natural enemies to each other. Nor do I, unless one or both of them are naturally mischievous and insolent. But I can see how enmities long continued, even during a peace, tend to shorten that peace, and to rekindle a war. That is when either party, having an advantage in war, shall exact conditions in the treaty of peace, that are goading and constantly mortifying to the other. I take this to be the case of your "commissioner

at Dunkirk." What would be your feeling, if France should take, and hold possession of Portsmouth, or Spain of Plymouth, after a peace, as you formerly held Calais, and now hold Gibraltar? Or on restoring your ports should insist on having an insolent commissioner stationed there, to forbid your placing one stone upon another by way of fortification? You would probably not be very easy under such a stipulation. If therefore you desire a peace that may be *firm* and durable, think no more of such extravagant demands. It is not necessary to give my opinion farther on that point, yet I may add frankly, as this is mere private conversation between you and me, that I do think a faithful ally, especially when under obligations for such great and generous assistance as we have received, should fight as long as he is able, to prevent (as far as his continuing to fight may prevent) his friends being compelled again to suffer such an insult.

My dear friend, the true pains you are taking to restore peace, whatever may be the success, intitle you to the esteem of all good men. If your ministers really desire peace, methinks they would do well to *impower* some person to make propositions for that purpose. One or other of the parties at war must take the first step. To do this belongs properly to the wisest. America being a novice in such affairs has no pretence to that character, and indeed after the answer given by Lord Stormont (when we proposed to him something relative to the mutual treatment of prisoners with humanity) *that the King's ministers received no applications from rebels, unless when they came to implore his majesty's clemency*, it cannot be expected that we should hazard the exposing ourselves again to such insolence. All I can say farther at present is, that

in my opinion your enemies do not aim at your destruction, and that if you propose a treaty you will find them reasonable in their demands, provided that on your side they meet with the same good dispositions. But do not dream of dividing us: you will certainly never be able to effect it.

With great regard and affection, I am ever, dear Sir, your most obedient and most humble servant,

B. FRANKLIN.

FROM DAVID HARTLEY, ESQ. M. P. TO DR. FRANKLIN.

MY DEAR FRIEND, *Feb.* 28, 1782.

I have not as yet any thing to communicate to you. I have upon many occasions recommended the road to peace in the most earnest way. I am not without hopes. I think I may venture to say that the arguments which I have stated have made an impression. I have not expected to receive the final answer from Lord North, till after the parliamentary arrangements of the year are settled. I am just for three or four days in the country upon a little business, but upon a furlough, as I may say, with the knowledge of Lord North, who, during the budget week, cannot possibly want to see me. I have therefore taken that week for a little private business in the country, and if Lord N. should happen to wish to see me, my brother keeps watch, and is to send express for me. Public report will tell you that on Friday last there was a division in the house on an American question, of 194 to 193. *I cannot answer for the dispositions of ministers, but in point of justice I ought to say, that I think, and as*

far as I can judge from the conferences which I have had, that I have found good dispositions towards peace. I do not pledge myself, because I may be deceived; however, that is my opinion; and I say thus much lest my silence should appear suspicious, and create alienation in other parties. I think I have seen good dispositions from the first commencement of my conferences on peace. My brother sends me word that Mr. Alexander is to return by the next mail, I therefore write this to send either by him, or at least in the same packet. I have had much conversation with him, and he will tell you that I have done my utmost to serve the cause of peace. I will conclude this with a quotation which I have applied to another person in argument respecting peace,

> Consulere patriæ, parcere afflictis, ferâ cæde abstinere,
> Iræ tempus dare, orbi quietem, seculo pacem suo,
> Hæc summa virtus,—hâc cœlum petitur viâ.

God bless you and prosper our pacific endeavours. I shall probably write again to you soon. Your affectionate,

D. HARTLEY.

FROM MR. HARTLEY'S BROTHER, COL. HARTLEY, M. P. TO DR. FRANKLIN.

DEAR SIR, *Soho Square, Feb.* 28, 1782.

As I know how anxious my brother is to embrace every opportunity of expressing those sentiments of peace and universal philanthropy, which do you both so much honour, and of testifying his regard for yourself, I am sorry he is not returned to town before Mr. Alexander's departure. His absence from town has been occasioned by his being obliged to go into Gloucestershire for some papers relating to family concerns, and as I am sure

nothing on his part will be neglected, towards forwarding the great object of peace, I regret his absence the less, because it affords me an opportunity of saying how entirely I agree with him in opinion, and particularly in the respect and esteem I bear to a person who has so ardently wished to prevent the effusion of blood and the dreadful effects of this fatal and destructive war; a person who was, who would have been, permit me, dear Sir, to add, perhaps who is, (would the conduct of this country permit him with justice to be so) the real, the sincere friend of it.

That delusion, founded in falsehood, first made this country forget itself; its honour, and its justice, and pursue this accursed and destructive war is certain: happy will it be if the dereliction of it at last, shall show that its continuance has not already extinguished in the breast of America every former degree of friendship and affection. That reason is beginning to return, and this country to see its errors, I hope, from *a majority of the house of commons having yesterday agreed to a resolution against the American war, and I believe almost all the people of England are against the war.* I hope this will lay the foundation of peace between the two countries, and that the horrors of war may be succeeded by lasting and general tranquillity. The event is in the hand of Providence alone, but the endeavour to contribute to such blessed purposes is not only in the power of men, but the attempt carries with it its own reward. Should success not be the consequence, the consciousness of having exerted oneself in such a cause, will afford the most pleasing reflexions, and make a man repose in peace upon his pillow, whatever may be the distraction and confusion

around him. You, sir, feel this in the greatest degree, and may those sentiments of justice, of freedom and liberality, which have marked your character, receive the reward they so justly merit, and by the happy return of a general peace, may such sentiments revive in each British and American breast to the mutual advantage of both countries. When I join my name to my brother's in such a wish, and in every expression of regard, esteem, and friendship towards yourself, permit me to add, though far inferior in the power of contributing to that happy event to which his abilities, industry, and attention to public concerns, make him so equal, I cannot yield even to so near and dear a relation the palm of sincerity in and anxiety for promoting such a desirable purpose. I am, with the greatest respect, dear Sir, your's most sincerely,

W. H. HARTLEY.

FROM EDMUND BURKE, ESQ. M. P. TO DR. FRANKLIN.

[*In answer to one requesting him to negociate the exchange of Mr. Laurens for General Burgoyne.*]

DEAR SIR,

Your most obliging letter demanded an early answer. It has not received the acknowledgment which was so justly due to it. But providence has well supplied my deficiencies; and the delay of the answer has made it much more satisfactory than at the time of my receipt of your letter I dared to promise myself it could be. *I congratulate you, as the friend of America, I trust, as not the enemy of England, I am sure, as the friend of mankind, on the resolution of the house of commons, carried by a majority of nineteen at two o'clock this*

morning, in a very full house. It was *the declaration of two hundred and thirty four; I think it was the opinion of the whole.* I trust it will lead to a speedy peace between the two branches of the English nation, perhaps to a general peace; and that our happiness may be an introduction to that of the world at large. I most sincerely congratulate you on the event. I wish I could say, that I had accomplished my commission. Difficulties remain. But as Mr. Laurens is released from his confinement, and has recovered his health tolerably, he may wait, I hope, without a great deal of inconvenience, for the final adjustment of his troublesome business. He is an exceedingly agreeable and honourable man. I am much obliged to you for the honour of his acquaintance. He speaks of you as I do; and is perfectly sensible of your warm and friendly interposition in his favour. I have the honour to be with the highest possible esteem and regard, dear Sir, your most faithful and obedient humble servant,

EDMUND BURKE.

London, Charles Street, Feb. 28, 1782.

General Burgoyne presents his best compliments to you, with his thanks for your obliging attentions towards him.

To ROB. R. LIVINGSTON, ESQ.

SIR, *Passy, March* 4, 1782.

Since I wrote the two short letters of which I herewith send you copies, I have been honoured with yours No. 5, dated the 16th December.

Inclosed I send copies of two letters from M. le Comte de Vergennes, relating to certain complaints from Ostend and Copenhagen against our cruisers. I formerly forwarded a similar complaint from Portugal, to which I

have yet received no answer. The ambassador of that kingdom frequently asks me for it. I hope now that by your means these kind of affairs will be more immediately attended to; ill blood and mischief may be thereby sometimes prevented.

The Marquis de la Fayette was, at his return hither, received by all ranks with all possible distinction. He daily gains in the general esteem and affection, and promises to be a great man here. He is warmly attached to our cause; we are on the most friendly and confidential footing with each other, and he is really very serviceable to me in my applications for additional assistance.

I have done what I could in recommending Messieurs Duportail and Gouvion, as you desired. I did it with pleasure, as I have much esteem for them.

I will endeavour to procure a sketch of an emblem for the purpose you mention. This puts me in mind of a medal I have had a mind to strike since the late great event you give me an account of, representing the United States by the figure of an infant Hercules in his cradle, strangling the two serpents; and France, by that of Minerva, sitting by as his nurse, with her spear and helmet, and her robe speckled with a few fleurs-de-lis. The extinguishing two entire armies in one war, is what has rarely if ever happened, and it gives a presage of the future force of our growing empire.[1]

I thank you much for the newspapers you have been so

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[1] This Dr. Franklin subsequently had executed, with some variation in the device; to which was added the dates of the two victories, (17 Oct. 1777 and 19 Oct. 1781) and the motto, "Non sine Diis animosus Infans."—On the reverse of the medal was a beautiful head of Liberty: in the exergue, "Libertas Americana" and the date of American Independence, "4 Jul. 1776."

kind as to send me. I send also to you by every opportunity packets of the French, Dutch, and English papers. Enclosed is the last *Courier of Europe*, wherein you will find a late curious debate on continuing the war with America, which the minister carried in the affirmative, only by his *own vote!* It seems the nation is sick of it: but the king is obstinate. *There is a change made of the American secretary*, and another talked of in the room of Lord Sandwich: but I suppose we have no reason to desire such changes. If the king will have a war with us, his old servants are as well for us, as any he is likely to put in their places. The ministry you will see declare, that their war in America is for the future to be only *defensive*. I hope we shall be too prudent to have the least dependence on this declaration; it is only thrown out to lull us. For *depend upon it the king hates us cordially, and will be content with nothing short of our extirpation.*

I shall be glad to receive the account you are preparing of the wanton damages done our possessions. I wish you could also furnish me with one, of the barbarities committed on our people. They may both be of excellent use on certain occasions.

The friendly disposition of this court towards us continues. We have sometimes pressed a little too hard, expecting and demanding, perhaps, more than we ought, and have used improper arguments, which may have occasioned a little dissatisfaction, but it has not been lasting. In my opinion, the surest way to obtain liberal aid from others, is vigorously to help ourselves. People fear assisting the negligent, the indolent, and the careless, lest the aids they afford should be lost. I know we have done a great deal; but it is said we are apt to be supine after a little success, and too backward in furnishing our

contingents. This is really a generous nation, fond of glory, and particularly that of protecting the oppressed. Trade is not the admiration of the noblesse, who always govern here. Telling them their *commerce* will be advantaged by our success, and that it is their *interest* to help us, seems as much as to say, help us, and we shall not be obliged to you. Such indiscreet and improper language has been sometimes held here by some of our people, and produced no good effects.

The constant harmony subsisting between the armies of the two nations in America, is a circumstance that has afforded me infinite pleasure. It should be carefully cultivated; I hope nothing will happen to disturb it. The French officers who have returned to France this winter, speak of our people in the handsomest and kindest manner, and there is a strong desire in many of the young nobility to go over to fight for us; there is no restraining some of them; and several changes among the officers of their army have lately taken place in consequence.

Generals Cornwallis and Arnold are both arrived in England. It is reported that the former in all his conversations, discourages the prosecution of the war in America; if so, he will of course be out of favour. We hear much of audiences given to the latter, and of his being present at councils. He seems to mix as naturally with that polluted court as pitch with tar; there is no being in nature too base for them to associate with, provided he may be thought capable of serving their purposes.

You desire to know whether any intercepted letters of Mr. Deane, have been published in Europe? I have seen but one in the English papers, that to Mr. Wadsworth; and none in any of the French and Dutch papers, but

some may have been printed that have not fallen in my way. There is no doubt of their being all genuine. His conversations since his return from America have, as I have been informed, gone gradually more and more into that style, and at length came to an open vindication of Arnold's conduct, and within these few days he has sent me a letter of twenty full pages, recapitulating those letters, and threatening to write and publish an account of the treatment he has received from congress, &c. He resides at Ghent, is distressed both in mind and in circumstances, raves and writes abundance, and I imagine it will end in his going over to join his friend Arnold in England. I had an exceeding good opinion of him when he acted with me, and I believe he was then sincere and hearty in our cause. But he is changed, and his character ruined in his own country and in this, so that I see no other but England to which he can now retire. He says we owe him about 12,000*l.* sterling, and his great complaint is, that we do not settle his accounts and pay him. Mr. Johnson having declined the service, I proposed engaging Mr. Searle to undertake it, but Mr. Deane objected to him as being his enemy. In my opinion, he was, for that reason, even fitter for the service of Mr. Deane, since accounts are of a mathematical nature, and cannot be changed by an enemy, while that enemy's testimony, that he had found them well supported by authentic vouchers, would have weighed more than the same testimony from a friend.

With regard to negociations for a peace, I see but little probability of their being entered upon seriously this year, unless the English minister had failed in raising his funds, which it is said he has secured, so that we must provide

for another campaign, in which I hope God will continue to favour us, and humble our cruel and haughty enemies; a circumstance which, whatever Mr. Deane may say to the contrary, will give pleasure to all Europe.

This year opens well by the reduction of Port Mahon, the garrison prisoners of war, and we are not without hopes that Gibraltar may soon follow. A few more signal successes in America, will do much towards reducing our enemies to reason.

Your expressions of good opinion with regard to me, and wishes of my continuance in this employment, are very obliging. As long as the congress think I can be useful to our affairs, it is my duty to obey their orders; but I should be happy to see them better executed by another, and myself at liberty; enjoying, before I quit the stage of life, some small degree of leisure and tranquillity.

With great esteem, &c.

B. FRANKLIN.

FROM WILLIAM ALEXANDER, ESQ. TO DR. FRANKLIN.

Ostend, Sunday 9 at night, March 3, 1782.

MY DEAR SIR,

Although I expect to see you in a day or two after this comes to hand, I cannot let slip the opportunity of Mr. Moore, formerly with Mr. Williams, to inform you that the address, in consequence of the question carried on Wednesday, was carried to the king by the whole opposition on Friday; that the answer, after the common place phrases and the repetition of the substance of the address, was declaring his disposition to comply with

it; and that of pushing the war with vigour against the ancient enemies of the kingdom, until a safe and honourable peace could be obtained which was his most earnest wish. This is the sense as delivered to me Friday evening by a member present. I have several letters for you which I will deliver on my arrival, and can give you a good deal of the sentiments of parties in England. I left London yesterday. You will have all our public news up to Thursday. The 1st payment 15 per cent was made on the new loan, Friday, and stock was got up at 2 per cent thereafter. Mr. Moore goes away just now, so have only time to subscribe myself with the most sincere esteem, dear Sir, your most obedient humble servant,

W. ALEXANDER.

To R. R. LIVINGSTON, ESQ.

Secretary of Foreign Affairs.

SIR, *Passy, March* 9, 1782.

I have just received the honour of yours, dated January the 7th. Your communication of the sentiments of congress with respect to many points that may come under consideration in a treaty of peace, gives me great pleasure, and the more as they agree so perfectly with my own opinions, and furnish me with additional arguments in their support. I shall be more particular on this subject in my next; for having notice from captain Barry last night, that he will not go to Brest, as I expected, to take in some of our goods, but will sail immediately on the return of the post, which sets out to-day; I am obliged to be short. You will see in the enclosed newspapers, the full debate in the House of Commons, on

the subject of declining the war with North America. By private advices, I learn, that the whole opposition now become the majority, went up in a body with the address to the King, who answered that he would pay a due regard to the advice of his faithful Commons, and employ his forces with more vigour against the ancient enemies of the nation, or to that purpose; and that orders were immediately given for taking up a great number of large transports, among which are many old India ships, whence it is conjectured that they intend some great effort in the West Indies, and perhaps mean to carry off their troops and stores from New York and Charleston. I hope however, that we shall not, in expectation of this, relax in our preparations for the approaching campaign.

I will procure the books you write for, and send them as soon as possible.

Present my duty to the congress, and believe me to be with sincere esteem, &c. B. FRANKLIN.

FROM DAVID HARTLEY, ESQ. M. P. TO DR. FRANKLIN.

MY DEAR FRIEND, *London, March* 11, 1782.

Mr. Digges who will deliver this to you informs me that having been applied to for the purpose of communicating with Mr. Adams on the subject of his commission for treating of peace, he is now setting out for Amsterdam, and that he intends afterwards to go to Paris to wait upon you. I understand the occasion to have arisen, by some mention having been made in parliament by General Conway of persons not far off having authority to treat of peace, which was supposed to allude to

Mr. Adams, and some friends of his in London. Ministry were therefore induced to make some enquiries themselves. This is what I am informed of the matter. When the proposal was made to Mr. Digges, he consulted me, I believe from motives of caution, that he might know what ground he had to stand upon, but not in the least apprized that I had been in any degree in course of corresponding with you on the subject of negociation. As I had informed the ministry from you that other persons besides yourself were invested with powers of treating, I have nothing to say against their consulting the several respective parties. That is their own concern. I shall at all times content myself with observing the duties of my own conduct, attending to all circumstances with circumspection, and then leaving the conduct of others to their own reasons. I presume that ministry have only done what others would have done in their situation, to procure the most ample information that the case will admit. I rest contented to act in my own sphere, and if my exertions can be applied to any public good, I shall always be ready to take my part with sincerity and zeal. I am, my dear friend, your ever affectionate, D. HARTLEY.

FROM DAVID HARTLEY, ESQ. M. P. TO DR. FRANKLIN.

MY DEAR FRIEND, *London, March* 12, 1782.

Enclosed with this I transmit to you the public parliamentary proceeding respecting the American war. If you will compare these proceedings with some others in several of the counties of this kingdom about two years ago, you will at once see the reason

why many persons who from principles of general and enlarged philanthropy do most certainly wish universal peace to mankind yet seem restrained in their mode of endeavouring to obtain that object. We must accommodate our endeavours to practicabilities, in the strong hope that if the work of peace was once begun, it would soon become general. Parliament having declared their sentiments by their public proceedings; a general bill will soon pass to enable administration to treat with America and to conclude. As to the sincerity of ministry that will be judged of by their conduct in any treaty. The first object is to procure a meeting of qualified and authorised persons. You have told me that four persons are empowered by a special commission to treat of peace. Are we to understand that each separately has power to conclude, or in what manner? The four persons whom you have mentioned are in four different parts of the world, viz. three of them in hostile states, and the fourth under circumstances very peculiar for a negociator. When I told Mr. Laurens that his name was in the commission, I found him entirely ignorant of every circumstance relating to it. I understand that the ministry will be ready to proceed towards opening a negociation as soon as the bill shall pass, and therefore it is necessary to consult of time, and place and manner and persons on each side. The negociation itself will speak the rest. I have been informed that some gentlemen in this country (not in administration) have lately entered into a correspondence with Mr. Adams relating to his commission of treating for peace, and that their previous enquiries having been spoken of in public, the ministry have been induced to make some enquiry themselves from Mr. Adams on that sub-

ject. In whatever way a fair treaty may be opened, by whomsoever or with whomsoever, I shall heartily wish good success to it for the common good and peace of mankind. I know these to be your sentiments, and I am confident that they will ever remain so, and hope that you will believe the same of me. I am ever, your most affectionate, D. HARTLEY.

Copy from the printed votes of the Commons, 27 Feb. 1782.

Resolved. That it is the opinion of this House that the farther prosecution of offensive war on the continent of *North America*, for the purpose of reducing the revolted colonies to obedience by force, will be the means of weakening the efforts of this country against her *European* enemies, tends, under the present circumstances, dangerously to increase the mutual enmity so fatal to the interests both of *Great Britain* and America, and by preventing an happy reconciliation with that country, to frustrate the earnest desire graciously expressed by his Majesty to restore the blessings of public tranquillity.

Resolved. That an humble address be presented to his Majesty, that the further prosecution of offensive war on the continent of North America, tends, &c. &c.

March 4. Mr. Speaker reported to the House, that the House attended his Majesty on Friday last with their address; to which his Majesty was pleased to give his most gracious answer:

Gentlemen of the House of Commons,

There are no objects nearer my heart than the ease, happiness, and prosperity of my people.

You may be assured that, in pursuance of your advice, I shall take such measures as shall appear to me most conducive to the restoration of harmony between Great Britain and the revolted colonies, so essential to the prosperity of both; and that my efforts shall be directed in the most effectual manner against our *European* enemies, until such a peace can be obtained as shall consist with the interests and permanent welfare of my kingdoms.

Resolved, *nemine contradicente*,

That an humble address be presented to his Majesty, to return his Majesty the thanks of this House, for his most gracious answer to their address presented to his Majesty on Friday last, and for the assurances his Majesty has most graciously been pleased to give them of his intention in pursuance of the advice of this House, to take such measures as shall appear most conducive to the restoration of harmony between Great Britain and the revolted colonies; and that his efforts shall be directed in the most effectual manner against our European enemies, until such a peace can be obtained as shall consist with the permanent welfare and prosperity of his kingdoms: this House being convinced that nothing can, in the present circumstances of this country, so essentially promote those great objects of his Majesty's paternal care for his people, as the measures which his faithful Commons have most humbly recommended to his Majesty.

Ordered, that the said address be presented, &c.

Resolved. That, after the solemn declaration of the opinion of this House, in their humble address presented to his Majesty on Friday last, and his Majesty's assurance of his gracious intention in pursuance of their advice, to take such measures as shall appear to his Majesty to be most

conducive to the restoration of harmony between Great Britain and the revolted Colonies, so essential to the prosperity of both, this House will consider as *enemies to his Majesty and this country*, all those who shall endeavour to frustrate his Majesty's paternal care for the ease and happiness of his people, by advising, or by any means attempting, the farther prosecution of offensive war on the continent of *North America*, for the purpose of reducing the revolted Colonies to obedience by force.

FROM DAVID HARTLEY, ESQ. TO DR. FRANKLIN.

MY DEAR FRIEND, *London, March* 21, 1782.

You will have heard before this can reach you, that Lord North declared yesterday in the House of Commons, that his Majesty intended to change his ministers. The House is adjourned for a few days to give time for the formation of a new ministry. Upon this occasion therefore I must apply to you to know whether you would wish me to transfer the late negociation to the successors of the late ministry; in these terms; (vide yours to me of January 15, 1782) viz. "that you are empowered by a special commission to treat of peace whenever a negociation for that purpose shall be opened. That it must always be understood that it is to be in conjunction with your allies conformable to the solemn treaties made with them. That the formal acknowledgment of the Independence of America is not made necessary." And may I add that upon these terms you are disposed to enter into a negociation? It is not known who will succeed the late ministry, but from the circumstances which preceded its dissolution we are to hope that they will be

disposed to enter into a negociation of peace upon fair and honourable terms. I have no doubt that there were some persons in the late ministry of that disposition.

I told you in my last letters to you of the 11th and 12th instant, that I had received information, whilst I was in the course of correspondence with the ministry myself on the subject of peace, that some part of the ministry were transmitting some communications or enquiries upon that subject with Mr. Adams, unknown to me. I had informed the ministry from you the names of the four persons empowered to treat. I saw the minister upon the occasion (I should now call him the late minister.) I took the liberty of giving him my opinion upon the matter itself. So far as it related personally to me, I expressed myself fully to him that there was no occasion that such a step should have been taken unknown to me, for that I was very free to confess that if they thought my partiality towards peace was so strong that they could drive a better bargain through another channel, I could not have any right of exclusion upon them. I relate this to you because I would wish to have you make a corresponding application to your own case. If you should think *that my strong desire for peace*, although *most laudable and virtuous in itself, should mislead me*, and that my being so as you may suppose misled, may be of any prejudice to the cause committed to your trust, I desire by no means to embarrass your free conduct, by any considerations of private or personal regard to myself. Having said thus much, I will now add that I am not unambitious of the office of a peace-maker, that I flatter myself the very page which I now am writing will bear full testimony from both sides of the impartiality of my conduct. And I will add once

more what I have often said and repeated to each side, viz. that no fallacy or deception, knowing or suspecting it to be such, shall ever pass through my hands.

Believe me I sympathize most cordially and sincerely with you in every anxiety of yours for peace. I hope things are tending (although not without rubs) yet in the main to that end. Soon! as soon as the course of human life may be expected to operate on the great scale and course of national events, or rather in the creation and establishment of a new world. I am sometimes tempted to think myself in patient expectation the elder sage of the two. I say the elder, not the better.

Yours, &c. D. HARTLEY.

FROM MR. T. DIGGES TO DR. FRANKLIN.

SIR, *Amsterdam, March* 22, 1782.

I left England a few days back, and until my conversation and some consultations with Mr. Adams on a matter which will be mentioned to you by him, and more particularly explained in this letter, my determination was to have seen you, as well on that business as on a matter of much consequence to my private reputation. I feel the disadvantages under which I labour when writing to you on a matter which cannot be explained or cleared up but by personal conversation. I do not give up my intended purpose of personally speaking to you, but it being found better and more convenient to my purpose to return immediately hence to England, and thence to Paris, in preference of going first to Paris, it must be unavoidably delayed for some days.

It would take up more than the length of a letter to ex-

plain the whole opening and progression of a matter I am here upon, which was and is meant to be jointly communicated to you with Mr. Adams; I will therefore take the liberty to give you an abbreviation of it in as few words as I can.

About a fortnight ago a direct requisition from ministry, through Lord Beauchamp, was made to Mr. R. Penn to know if he could ascertain *that any person or persons in Europe were commissioned by Congress to treat for peace, whether they were* NOW *willing to avail themselves of such commission, and of the present sincere disposition in ministry to treat, and whether they would receive an appointed commissioner to speak for a truce, and mention a place for the meeting, &c.*

Mr. Penn's referring Lord Beauchamp to me, as knowing the nature of Mr. Adams's former commission, was the sole cause of my being privy to, or a party in, the matter. I had various meetings with Lord Beauchamp in company with Mr. Penn on the subject; the particular memorandums of which, and Lord B.'s statement of what the ministry wanted to obtain, together with every other circumstance relative to the matter, I regularly consulted Mr. Laurens and Mr. D. Hartley upon; and the result was my taking the journey hither, and to Paris, in order to put the questions (as they are before stated from Lord B. to Mr. Penn) and to bring an answer thereto. I am well convinced by Lord Beauchamp's pledge of his personal honour, as well as from Mr. Hartley's telling me he knew the matter to come directly from Lord North (for he visited him more than once to ascertain the fact) that it is a serious and sincere requisition from ministry, and that they will immediately take some steps to open a treaty, pro-

vided I go back with assurances that there is a power vested in Americans in Europe to treat and conclude, and that they are willing to avail themselves of such power when properly applied to.

I have stated the whole transaction to Mr. Adams, read every memorandum I had made, informed him of every circumstance I knew, and when I put the questions (as they are before stated from Lord B. to Mr. Penn) he replied, "that there were certainly commissioners in Europe, of which body he was one, who had powers to treat and conclude upon peace; that he believed them willing to enter into such a treaty, provided a proper offer was made; but that no questions now or to be made in future could be answered by him without previously consulting his colleagues, and afterwards acquainting the ministers of the belligerent powers thereof." Mr. Adams recommended that any future questions might be made directly to you, for that the present, as well as any subsequent propositions, would be immediately communicated to you and Mons. de Vergennes.

His answers to my questions were nearly what I foretold and expected, and is substantially what Lord Beauchamp seemed so anxious to procure. When I relate this answer to his Lordship my business will be finished in that quarter. I will here explain to you my only motive for being a messenger from him whom I had never known or been in company with before. It will enable me to say, I have done one favour for you, and I claim of you another, viz. to obtain a restoration of my papers from Lord Hillsborough's office, which were in a most illegal and unjustifiable manner seized from me near a twelvemonth ago, and are yet withheld notwithstanding the personal ap-

plications for them from Lord Coventry, Lord Nugent, and Mr. Jackson, each of whom have explained the injury and very extraordinary mischief the want of my papers for so long a time has and is now doing me.

On my first conversation with Mr. Adams I had concluded to go to you, partly by his advice to do so; but as the expence of two journies where one may serve is of some import to me, and from supposing your answer would be substantially the same as that from Mr. Adams, I have thought it better to go back immediately to London, and then set out for Paris with the probability of being able to bear my papers.

I will take the liberty to trouble you with another letter if any thing occurs on my arrival in London. I am to leave this with Mr. Adams for forwardance; and for the present I have only to beg a line acknowledging the receipt of it. If your letter is put under *a cover to Mr. Stockdale, Bookseller, Piccadilly, London*, it will the more readily get to hand. I am, with great respect, Sir, your very obedient servant, T. DIGGES.

Ostend, 26th March.

On my last visit to Mr. Adams, Friday evening, to explain to him the substance of the foregoing letter, and ask his forwardance of it to you, we had some farther conversation on the matter, the ultimate conclusion of which was, that it was thought better I did not send the annexed letter to you, or mention my business with him until my going in person from England. Mr. Adams's reasons were these. That if I made the communication *then* he should be necessitated to state the matter in a long letter to you and others of his colleagues; that

the matter as it then stood was not of such importance but he could save himself the trouble of the explanation; and that as he recommended any future questions or applications to be made directly to you, your situation making it more convenient sooner to inform the French court thereof, he thought my letter had better be postponed, and the substance of it given in person as soon as I could possibly get from London to Paris. I acquiesced, though reluctantly, and having thought much on the matter on my journey hither, I have at length determined to forward the foregoing letter with this postscript, and at the same time to inform Mr. Adams of my exact feelings on the matter, viz. that my wishes and intentions when I left England were to see, and make known the matter to you; that through Mr. Hartley or some other channel you must hear that I had been at Amsterdam, and my seemingly turning my back upon you might be thought oddly of; and finally that I could not answer for carrying the inclosure from Mr. Hartley back to England, not knowing the consequence it might be of. I hope and think I have done right in this matter. The purpose for my moving in the business I went to Mr. A. upon, has, I own, been with a double view of serving myself in a matter of much consequence to me, for after delivering the explanations I carry, I can with some degree of right and a very great probability of success, claim as a gratuity for the trouble and expence I have been at, the restoration of my papers; the situation of which I have already explained to Lord Beauchamp, in order to get him to be a mover for them, and I have very little doubt that a few days will restore them to me, and give me an opportunity to speedily speak to you on a matter which gives me much uneasiness, vexation, and pain. Excuse the hurry in which I write, for I am very near the

period of embarkation. Paul Wentworth embarked this day for England: I trod on his heels chief of the way from the Hague which he left suddenly. General Faucit is on his road hence to Hanover.

FROM HIS EXCELLENCY J. ADAMS, ESQ.
TO DR. FRANKLIN.

SIR, *The Hague, March* 26, 1782.

One day last week, I received at Amsterdam a card from Digges, inclosing two letters to me, from Mr. David Hartley. The card desired to see me, upon business of importance; and the letters from Mr. Hartley contained an assurance, that to his knowledge, the bearer came from the highest authority. I answered the card, that in the present situation of affairs here and elsewhere, it was impossible for me to see any one from England without witness; but if he were willing to see me in presence of Mr. Thaxter, my Secretary, and that I should communicate whatever he should say to me to Dr. Franklin, and the Comte de Vergennes, I would wait for him at home at ten o'clock; but that I had rather he should go to Paris without seeing me, and communicate what he had to say to Dr. Franklin, whose situation enabled him to consult the Court without loss of time. At ten however he came, and told me a long story about consultations with Mr. Penn, Mr. Hartley, Lord Beauchamp, and at last Lord North, by whom he was finally sent, to enquire of me, if I or any other had authority to treat with Great Britain of a truce. I answered, that "I came to Europe with full powers to make peace, that those powers had been announced to the public upon my arri-

val, and continued in force until last summer, when Congress sent a new commission, containing the same powers to four persons, whom I named: that if the King of England were my father, and I the heir apparent to his throne, I could not advise him ever to think of a truce, because it would be but a real war, under a simulated appearance of tranquillity, and would end in another open and bloody war, without doing any real good to any of the parties."

He said that "the ministry would send some person of consequence over, perhaps General Conway, but they were apprehensive, that he would be ill-treated or exposed." I said, "that if they resolved upon such a measure, I had rather they would send immediately to Dr. Franklin because of his situation near the French court. But there was no doubt, if they sent any respectable personage properly authorized, who should come to treat honourably, he would be treated with great respect. But that if he came to me, I could give him no opinion upon any thing without consulting my colleagues, and should reserve a right of communicating every thing to them, and to our allies."

He then said that "his mission was finished. That the fact to be ascertained was simply, that there was a commission in Europe to treat and conclude: but that there was not one person in Great Britain who could affirm or prove that there was such a commission, although it had been announced in the gazettes."

I desired him, and he promised me, not to mention Mr. Laurens to the ministry without his consent (and without informing him that it was impossible he should say any thing in the business, because he knew nothing of our instructions) because, although it was possible that his

being in such a commission might induce them to release him, yet it was also possible it might render them more difficult, concerning his exchange.

The picture he gives of the situation of things in England is gloomy enough for them. The distresses of the people, and the distractions in administration and parliament, are such as may produce any effect almost that can be imagined.

The only use of all this I think is to strike decisive strokes at New York and Charlestown. There is no position so advantageous for negociation, as when we have all an enemy's army prisoners. I must beg the favour of you, Sir, to send me, by one of the Count de Vergennes's couriers to the Duc de la Vauguion, a copy in letters of your peace instructions. I have not been able to decypher one quarter part of mine. Some mistake has certainly been made.

Ten or eleven cities of Holland have declared themselves in favour of American Independence, and it is expected that to-day or to-morrow this province will take the decisive resolution of admitting me to my audience. Perhaps some of the other provinces may delay it for three or four weeks. But the Prince has declared, that he has no hopes of resisting the torrent, and *therefore* that he shall not attempt it. The Duc de la Vauguion has acted a very friendly and honourable part in this business, without, however, doing any ministerial act in it. With great respect, I have the honour to be, Sir, your most obedient and most humble servant, J. ADAMS.

To Robert R. Livingston, Esq.

Secretary for Foreign Affairs.

Sir, *Passy, March* 30, 1782.

The newspapers which I send you by this conveyance, will acquaint you, with what has since my last passed in parliament. You will there see a copy of the Bill brought in by the Attorney-General, for empowering the King to make peace with the Colonies. They still seem to flatter themselves with the idea of dividing us; and rather than name the Congress they empower him generally to treat with *any body or bodies of men, or any person or persons, &c.* They are here likewise endeavouring to get us to treat separately from France, at the same time they are tempting France to treat separately from us, equally without the least chance of success. I have been drawn into a correspondence on this subject, which you shall have with my next. I send you a letter of Mr. Adams's just received, which shows also that they are weary of the war, and would get out of it if they knew how. They had not then received certain news of the loss of St. Christopher's, which will probably render them still more disposed to peace. I see that a bill is also passing through the House of Commons for the exchange of American prisoners, the purport of which I do not yet know.

In my last I promised to be more particular with respect to the points you mentioned as proper to be insisted on in the treaty of peace. My ideas on those points, I assure you, are full as strong as yours. I did intend to have given you my reasons for some addition, and if the

treaty were to be held on your side the water, I would do it: otherwise it seems on second thoughts to be unnecessary, and if my letter should be intercepted may be inconvenient. Be assured I shall not willingly give up any important right or interest of our country, and unless this campaign should afford our enemies some considerable advantage, I hope more may be obtained than is yet expected.

Our affairs generally go on well in Europe. Holland has been slow, Spain slower, but time will I hope smooth away all difficulties. Let us keep up not only our courage but our vigilance, and not be laid asleep by the pretended half peace the English make with us without asking our consent. We cannot be safe while they keep armies in our country. With great esteem I have the honour to be, Sir, your most obedient and most humble servant,

B. FRANKLIN.

To J. ADAMS, ESQ.

SIR, *Passy, March* 31, 1782.

I received yours of the 10th instant, and am of opinion with you, that the English will evacuate New York and Charlestown, as the troops there after the late resolutions of parliament must be useless, and are necessary to defend their remaining islands, where they have not at present more than 3000 men. The prudence of this operation is so obvious, that I think they can hardly miss it; otherwise I own, that considering their conduct for several years past, it is not reasoning consequentially to conclude they will do a thing, because the doing it is required by common sense.

Yours of the 26th is just come to hand. I thank you for the communication of Digges's message. He has also sent me a long letter, with two from Mr. Hartley. I shall see M. de Vergennes to-morrow and will acquaint you with every thing material that passes on the subject. But the ministry by whom Digges pretends to be sent being changed, we shall by waiting a little see what tone will be taken by their successors. You shall have a copy of the instructions by the next courier. I congratulate you cordially on the progress you have made among those slow people. Slow however as they are, Mr. Jay finds his[1] much slower. By an American, who goes in about ten days to Holland, I shall send you a packet of correspondence with Mr. Hartley, though it amounts to little. With great esteem, I have the honour to be your Excellency's most obedient and most humble servant,

B. FRANKLIN.

To DAVID HARTLEY, ESQ. M. P.

DEAR SIR, *Passy, March* 31, 1782.

I have just received your favours of March 11 and 12, forwarded to me by Mr. Digges, and another of the 21st per post. I congratulate you on the returning good disposition of your nation towards America, which appears in the resolutions of parliament, that you have sent me: and I hope the change of your ministry will be attended with salutary effects. I continue in the same sentiments expressed in my former letters; but as I am but one of five in the commission, and have no knowledge

[1] The Spaniards.

of the sentiments of the others, what has passed between us is to be considered merely as private conversation. The five persons are Messrs. Adam, Jay, Laurens, Jefferson, and myself; and in case of the death or absence of any, the remainder have power to act and conclude. I have not written to Mr. Laurens, having constantly expected him here, but shall write to him next post; when I shall also write more fully to you, having now only time to add, that I am ever with great esteem and affection, dear Sir, your most obedient and most humble servant,

B. FRANKLIN.

TO DAVID HARTLEY, ESQ. M.P.

MY DEAR FRIEND, *Passy, April 5*, 1782.

I wrote a few lines to you the 31st past, and promised to write more fully. On perusing again your letters of the 11th, 12th, and 21st, I do not find any notice taken of one from me dated February 16. I therefore now send you a copy made from it in the press. The uncertainty of free transmission discourages a free communication of sentiments on these important affairs; but the inutility of discussion between persons, one of whom is not authorized, but in conjunction with others, and the other not authorized at all, as well as the obvious inconveniences that may attend such previous handling of points, that are to be considered when we come to treat regularly, are with me a still more effectual discouragement, and determine me to waive that part of the correspondence. As to Digges, I have no confidence in him, nor in any thing he says or may say of his being sent by ministers. Nor will I have any communication with him, except in

receiving and considering the justification of himself which he pretends he shall be able and intends to make, for his excessive drafts on me on account of the relief I ordered to the prisoners, and his embezzlement of the money. You justly observe in yours of the 12th, that the first object is to procure a "meeting of qualified and authorized persons," and that you "understand ministry will be ready to proceed towards opening a negociation as soon as the bill shall pass, and therefore it is necessary to consult of time and place, and manner and persons on each side." This you wrote while the old ministry existed. If the new have the same intentions, and desire a general peace, they may easily discharge Mr. Laurens from those engagements which make his acting in the commission improper, and except Mr. Jefferson who remains in America and is not expected here, we the Commissioners of Congress can be easily got together ready to meet yours at such place as shall be agreed to by all the powers at war, in order to form the treaty. God grant that there may be wisdom enough assembled to make, if possible, a peace that shall be perpetual, and that the idea of any nations being natural enemies to each other may be abolished for the honor of human nature.

With regard to those who may be commissioned from your government, whatever personal preferences I may conceive in my own mind, it cannot become me to express them. I only wish for wise and honest men. With such, a peace may be speedily concluded. With contentious wranglers the negociation may be drawn into length and finally frustrated.

I am pleased to see in the votes and parliamentary speeches, and in your public papers, that in mentioning

America the word *reconciliation* is often used. It certainly means more than a mere peace. It is a sweet expression. Revolve in your mind, my dear friend, the means of bringing about this *reconciliation*. When you consider the injustice of your war with us, and the barbarous manner in which it has been carried on, the many suffering families among us from your burning of towns, scalping by savages, &c. &c. will it not appear to you, that though a cessation of the war may be a peace, it may not be a reconciliation? Will not some voluntary acts of justice and even of kindness on your part have excellent effects towards producing such a *reconciliation*? Can you not find means of repairing in some degree those injuries? You have in England and Ireland twelve hundred of our people prisoners, who have for years bravely suffered all the hardships of that confinement rather than enter into your service to fight against their country. Methinks you ought to glory in descendants of such virtue. What if you were to begin your measures of *reconciliation* by setting them at liberty? I know it would procure for you the liberty of an equal number of your people, even without a previous stipulation; and the confidence in our equity, with the apparent good will in the action, would give very good impressions of your change of disposition towards us. Perhaps you have no knowledge of the opinions lately conceived of your king and country in America; the enclosed copy of a letter will make you a little acquainted with them, and convince you how impossible must be every project of bringing us again under the dominion of such a sovereign. With great esteem, I am, dear Sir, your most obedient and most humble servant,

B. FRANKLIN.

To the Hon. Robert R. Livingston, Esq.

Sir, *Passy, April* 8, 1782.

Since my last an extraordinary revolution has taken place in the court of England. All the old ministers are out, and the chiefs of the opposition are in their places. The newspapers that I send will give you the names as correctly as we yet know them. Our last advices mention their kissing hands; but they had yet done nothing in their respective offices, by which one might judge of their projected measures; as whether they will ask a peace of which they have great need, the nation having of late suffered many losses, men grown extremely scarce, and Lord North's new taxes proposed as funds for the loan, meeting with great opposition; or whether they will strive to find new resources, and obtain allies to enable them to please the king and nation by some vigorous exertions against France, Spain, and Holland. With regard to America, having while in opposition carried the vote for making no longer an offensive war with us, they seem to have tied their own hands from acting against us. Their predecessors had been tampering with this court, for a separate peace. The king's answer gave me, and will give you great pleasure. It will be sent to M. de la Luzerne, and by him be communicated to congress. None of their attempts to divide us met with the least encouragement: and I imagine the present set will try other measures.

With great esteem, I have the honour to be, &c.

B. Franklin.

To the Hon. Robert R. Livingston, Esq.

Sir, *Passy, April* 12, 1782.

Being at court on Tuesday, I learnt from the Dutch minister, that the new English ministry have offered, through the minister of Russia, a cessation of arms to Holland, and a renewal of the treaty of 1674. M. de Berkenroode seemed to be of opinion that the offer was intended to gain time, to obstruct the concert of operations with France for the ensuing campaign, and to prevent the conclusion of a treaty with America: it is apprehended that it may have some effect in strengthening the hands of the English party in that country, and retard affairs a little, but it is hoped that the proposal will not be finally agreed to. It would indeed render the Dutch ridiculous. A. having a cane in his hand meets his neighbour B. who happens to have none, takes the advantage, and gives him a sound drubbing: B. having found a stick, and coming to return the blows he received; A. says, my old friend, why should we quarrel? We are neighbours, let us be good ones, and live peaceably by each other as we used to do. If B. is so easily satisfied, and lays aside his stick, the rest of the neighbours as well as A. will laugh at him. This is the light in which I stated it. Enclosed I send you a copy of the proposition.

I see by the newspapers that the Spaniards having taken a little post called St. Joseph, pretend to have made a conquest of the Illinois country. In what light does this proceeding appear to congress? While they decline our offered friendship, are they to be suffered to encroach on our bounds, and shut us up within the Apalachian mountains? I begin to fear they have some such project.

With great esteem, I have the honour to be, Sir, your most obedient and most humble servant,

B. FRANKLIN.

TO THE HON. HENRY LAURENS, ESQ.

SIR, *Passy, April* 12, 1782.

I should sooner have paid my respects to you by letter, if I had not till lately expected you here, as I understood it to be your intention. Your enlargement gave me great pleasure; and I hope that the terms exacted by the late ministry, will now be relaxed; especially when they are informed that you are one of the commissioners appointed to treat of peace. Herewith I send you a copy of the commission; the purport of which you can communicate to the ministers, if you find it proper. If they are disposed to make peace with us and our allies at the same time, I will on notice from you send to Mr. Jay, to prepare for meeting at such time and place as shall be agreed on. As to our treating separately and quitting our present alliance, which the late ministry seemed to desire, it is *impossible*. Our treaties, and our instructions, as well as the honour and interest of our country forbid it. I will communicate those instructions to you as soon as I have the pleasure of seeing you. If you have occasion for money, please to acquaint me with the sum you desire, and I will endeavour to supply you. With very great esteem and respect, I have the honour to be, Sir, &c.

B. FRANKLIN.

COMMISSION to Messrs. Adams, Franklin, Jay, Laurens, and Jefferson.

The UNITED STATES of AMERICA in CONGRESS assembled; To all to whom these presents shall come, send greeting.

Whereas these United States from a sincere desire of putting an end to the hostilities between his most Christian Majesty and these United States on the one part, and his Britannic Majesty on the other, and of terminating the same by a peace founded on such solid and equitable principles as reasonably to promise a permanency of the blessings of tranquillity, did heretofore appoint the Hon. John Adams, late a commissioner of the United States of America at the Court of Versailles, late delegate in Congress from the state of Massachusetts, and chief justice of the said state, their minister plenipotentiary, with full powers, general and special, to act in that quality, to confer, treat, agree and conclude with the ambassadors or plenipotentiaries of his most Christian Majesty, and of his Britannic Majesty, and those of any other princes or states whom it might concern, relating to the re-establishment of peace and friendship. And whereas, the flames of war have since that time been extended, and other nations and states are involved therein: Now know ye, that we still continuing earnestly desirous as far as depends upon us, to put a stop to the effusion of blood, and to convince the powers of Europe that we wish for nothing more ardently than to terminate the war by a safe and honorable peace, have thought proper to renew the powers formerly given to the said John Adams, and to join four other persons in commission with him, and having full confidence in the integrity, prudence, and ability of the Hon. Benjamin Franklin, our minister plenipotentiary at the Court of Versailles; and the Hon. John Jay, late president of Congress, and chief justice of the state of New-York, and our minister plenipotentiary at the Court of Madrid; and the Hon. Henry Laurens, formerly president of Congress, and commissionated and sent as our agent to the United Provinces of the Low Countries; and the Hon. Thomas Jefferson, governor of the commonwealth of Virginia;

have nominated, constituted, and appointed the said Benjamin Franklin, John Jay, Henry Laurens, and Thomas Jefferson, in addition to the said John Adams, giving and granting to them the said John Adams, Benjamin Franklin, John Jay, Henry Laurens, and Thomas Jefferson, or the majority of them, or of such of them as may assemble, or in case of the death, absence, indisposition, or other impediment of the others, to any one of them, full power and authority, general and special commission to repair to such place as may be fixed upon for opening the negociations for peace, and there for us, and in our name, to confer, treat, agree, and conclude, with the ambassadors, commissioners, and plenipotentiaries of the princes and states whom it may concern, vested with equal powers, relating to the establishment of peace; and whatsoever shall be agreed and concluded for us and in our name, to sign, and thereupon make a treaty or treaties, and to transact every thing that may be necessary, for completing, securing, and strengthening the great work of pacification, in as ample form and with the same effect as if we were personally present and acted therein; hereby promising in good faith, that we will accept, ratify, fulfil and execute, whatever shall be agreed, concluded, and signed by our said ministers plenipotentiary, or a majority of them, or of such of them as may assemble, or in case of the death, absence, indisposition, or other impediment of the others, by any one of them; and that we will never act, nor suffer any person to act contrary to the same, in whole or in any part. In witness whereof we have caused these presents to be signed by our president, and sealed with his seal.

Done at Philadelphia the fifteenth day of June, in the year of our Lord one thousand seven hundred and eighty-one, and in the fifth year of our independence, by the United States in Congress assembled.

(Signed,) SAMUEL HUNTINGTON,
(L. S.) President.

Attest. (Signed,) CHARLES THOMSON,
Secretary.

Communication from the Court of France to Dr. Franklin, on the overtures for a separate Treaty.

A Versailles, le 12 *Avril*, 1782.

J'ai mis sous les yeux de M. le Comte de Vergennes, Monsieur, les differentes lettres que M. Hartley vous a écrites ainsi que votre projet de réponse; ce ministere a donné une entiere approbation à la maniere dont vous vous exprimez. Je joins ici un post-scriptum concernant M. Forth; M. le Comte de Vergennes, qui en a pris lecture, trouve que vous pouvez sans inconvenient le transmettre à votre correspondant.

J'ai l'honneur d'être avec un très sincere attachement, Monsieur, votre très humble et très obeissant serviteur,

(signé) De Rayneval.

P. S. Depuis ma lettre écrite, Monsieur, j'ai pesé de nouveau les differentes ouvertures qu'elle renferme. Selon vous l'ancien ministere Anglois désiroit sincerement une réconciliation avec nous, et il nous proposoit dans cette vue une paix separée. Tandis que vous me transmettiez ce vœu du Lord North, cet ex-ministre avoit ici un émissaire chargé de sonder le ministere François sur ses dispositions pacifiques, et de lui faire des propositions fort avantageuses. Vous pouvez juger par-là, Monsieur, de l'opinion que je dois avoir des intentions du Lord North et de ses collégues. Pour vous convaincre de la verité de la notion que je vous transmets, je vous confierai que l'émissaire étoit un M. Forth, et qu'on l'a chargé ici de répondre aux ministres Anglois, que le Roi de France désiroit la paix autant que le Roi d'Angleterre; qu'il s'y prêteroit dès qu'il le pourroit avec dignité et sureté; mais

qu'il importoit avant tout à S. M. T. C. de savoir si la cour de Londres étoit disposée à traiter également avec les Alliés de la France. M. Forth est parti avec cette réponse pour Londres ; mais il y a apparence qu'il ne sera arrivé qu'après la rétraite des ministres qui l'avoient envoyé. Vous pourrez, Monsieur, sans aucun inconvenient faire usage de ces details, si vous le jugez à propos : ils feront connoître au ministere actuel les principes de la cour de France, et ils le convaincront, j'espère, que le projet de nous desunir seroit aussi illusoire qu'il nous seroit injurieux. Quant au problème remis à M. Forth, je ne saurois prevoir (si les nouveaux ministres en sont instruits) de quelle manière ils croiront devoir le resoudre ; s'ils aiment la paix, comme ils l'ont persuadé à la nation Angloise et à toute l'Europe, ils ne doivent pas être embarrassés : la France leur a ouvert une voie qu'ils peuvent, selon moi, suivre sans blesser la dignité de leur maitre ; s'ils ne la suivent pas, ils se flattent sans doute que le sort des armes procurera à l'Angleterre des succès qu'il leur a refusé jusqu'à présent ; ce sera à la Providence à couronner ou à frustrer leurs espérances.

To David Hartley, Esq. M. P.

Dear Sir, *Passy, April* 13, 1782.

Since mine of the 5th I have thought farther of the subject of our late letters. You were of opinion, that the late minister desired *sincerely* a reconciliation with America, and with that view a separate peace with us was proposed. It happened that at the same time Lord North had an emissary here to sound the French ministers with regard to peace, and to make them

very advantageous propositions in case they would abandon America. You may hence judge, my dear friend, what opinion I must have formed of the intentions of your ministers. To convince you of the truth of this, I may acquaint you that the emissary was a Mr. Forth; and that the answer given him to carry back to the English ministers was, *que le roi de France désiroit la paix autant que le roi d'Angleterre; qu'il s'y prêteroit dès qu'il le pourroit avec dignité et sureté; mais qu'il importoit avant tout à S. M. T. C. de savoir si la cour de Londres étoit disposée à traiter également avec les alliés de la France.* Mr. Forth went off with this answer for London, but probably did not arrive till after the dismission of the ministers that sent him. You may make any use of this information as you judge proper. The new ministry may see by it the principles that govern this court; and it will convince them, I hope, that the project of dividing us is as vain as it would be to us injurious. I cannot judge what they will think or do in consequence of the answer sent by Mr. Forth (if they have seen it.) If they love peace, as they have persuaded the English nation and all Europe to believe, they can be under no difficulty. France has opened a path which in my opinion they may use, without hurting the dignity of their master, or the honour of the nation. If they do not choose it, they doubtless flatter themselves that war may still produce successes in favour of England that have hitherto been withheld. The crowning or frustrating such hopes belongs to Divine Providence: may God send us all more wisdom! I am ever, my dear friend, yours most affectionately,

B. FRANKLIN.

To his Excellency John Adams, Esq.

Sir, *Passy, April* 13, 1782.

Inclosed with this I send to your Excellency the packet of correspondence between Mr. Hartley and me, which I promised in my last. You will see that we held nearly the same language, which gives me pleasure.

While Mr. Hartley was making propositions to me, with the approbation or privity of Lord North to treat separately from France, that minister had an emissary here, a Mr. Forth, formerly a secretary of Lord Stormont's, making proposals to induce this court to treat without us. I understand that several sacrifices were offered to be made, and among the rest Canada to be given up to France. The substance of the answer appears in my last letter to Mr. Hartley. But there is a sentence omitted in that letter which I much liked, viz. "that whenever the two crowns should come to treat, his Most Christian Majesty would show how much the engagements he might enter into, were to be relied on, by his exact observance of those he already had with his present allies."

If you have received any thing in consequence of your answer by Digges, you will oblige me by communicating it. The ministers here were much pleased with the account given them of your interview by the ambassador.

With great respect, I am, Sir, your Excellency's, &c.

B. Franklin.

From David Hartley, Esq. M. P. to Dr. Franklin.

My Dear Friend, *London, May* 1, 1782.

I have received a packet from you containing several letters of various dates. As I shall probably have a safe opportunity of conveyance to you when Mr. Laurens leaves this country, I am now sitting down to write to you an *omnium* kind of letter of various matters as they occur. The late ministry being departed, I may now speak of things more freely. I will take a sentence in one of your letters for my text. Vide yours of April 13, 1782, in which you say: *you was of opinion that the late ministry desired* SINCERELY *a reconciliation with America, and with that view a separate peace* with us was proposed. I must qualify this sentence much, before I can adopt it as my opinion. As to *reconciliation*, I never gave much credit to them for that wish. *It is a sweet expression. It certainly means* MORE *than peace.* The utmost I ever gave the late ministry credit for, was a wish for peace. And I still believe that the wisest among them grew from day to day more disposed to peace or an abatement of the war, in proportion as they became more alarmed for their own situations and their responsibility. Had the war been more successful, I should not have expected much relenting towards peace or reconciliation. That this has always been the measure of my opinion of them, I refer you to some words in a letter from me to you, dated January 5, 1780, for proof—"but for the point of sincerity; why as to that I have not much to say; I have at least expected some hold upon their *prudence*. My argument runs thus: It is a *bargain* for *you* (ministers) to be

sincere *now*. Common prudence may hint to you to look to yourselves. It has amazed me beyond measure, that this principle of common selfish *prudence* has not had the effect which I expected." I have not been disposed to be deceived by any conciliatory professions which I considered only as arising from prudence, and I hope that I have not led you into any deception, having so fully explained myself to you on that head. Had the American war been more prosperous on the part of the late ministry, I do not believe the late resignation would have taken place. But it is evident from the proposition to the court of France which you have communicated to me, (and which I have communicated to the present ministry with your letter) that even to the last hour, some part of the late ministry were still set upon the American war to the last extremity; and probably another more *prudent* part of the ministry would proceed no farther; which, if it be so, may reasonably be imputed as the cause of the dissolution of the late ministry. These have been the arguments which I have always driven and insisted upon with the greatest expectation of success, viz. *prudential* arguments from the total impracticability of the war; responsibility, &c. I have been astonished beyond measure, that these arguments have not sooner had their effect. If I could give you an idea of many conferences which I have had upon the subject, I should tell you, that many times *Felix has trembled*. When reduced by the terror of responsibility either to renounce the American war, or to relinquish their places, they have chosen the latter; which is a most wretched and contemptible retribution either to their country or to mankind, for the desolation in which they have involved every nation that they have

ever been connected with. Peace they would not leave behind them. Their legacy to their country, and to mankind has been; *let darkness be the burier of the dead!*

As to the proposal of a separate peace arising from a desire of *reconciliation*, it certainly was so on the part of the people of England, but on the part of the late ministry, it probably arose from the hopes of suggesting to France ideas of some infidelity on the part of America towards them. If you should ask me, why I have *seemed* to conspire with this, my answer is very plain. In the first place, if I could have prevailed with the late ministry to have actually made an irrevocable offer, *on their own parts*, of a separate peace to America, that very offer would in the same instant have become on their part also a consent to a general peace; because *they* never had any wish to a separate contest with France, and America being out of the question, *they* would have thought of nothing after that but a general peace. I never could bring them even to this. *They* wished that *America* should make the offer of a separate treaty (for obvious views). *My* proposal was, that *they* should offer irrevocable terms of peace to America. If they had meant what they pretended, and what the people of England did really desire, they would have adopted that proposition. Then the question would have come forward upon the fair and honourable construction of a treaty between France and America, *the essential and direct end* of which was fully accomplished. When I speak of Great Britain offering irrevocable terms of peace to America, I mean such terms as would have effectually satisfied the provision of the treaty, viz. tacit independence. I send you a paper intitled a *Breviate*,[1] which I laid be-

[1] Vide the same following this letter.

fore the late ministry, and their not having acted upon it, was a proof to me that the disposition of their heart to America was not altered, but that all their relenting arose from the impracticability of that war, and their want of success in it. But desponding as they were at last, it was not inconsistent with my expectations of their conduct, that they should make great offers to France to abandon America. It was the only weapon left in their hands. In course of negociating with the late ministry I perceived their courage drooping from time to time, for the last three or four years, and it was upon that ground I gave them credit for an increasing disposition towards peace. Some dropped off; others sunk under the load of folly; and at last they all failed. My argument *ad homines* to the late ministry, might be stated thus. *If you don't kill them, they will kill you.* But the war is impracticable *on your part;* ergo, the best thing you can do *for your own sake* is to make *peace.* This was reasoning to men, and through men to things. But there is no measure of rage in pride and disappointment,

Spicula cæca relinquunt
Infixa venis, animasque in vulnere ponunt.

So much for the argument of the *Breviate* as far as it respected the late ministry. It was a test which proved that they were not sincere to their professions. If they had been in earnest to have given the war a turn towards the house of Bourbon, and to have dropped the American war, a plain road lay before them. The sentiment of the people of England was conformable to the argument of that breviate; or rather I should say what is the real truth, that the argument of the breviate was dictated by the no-

toriety of that sentiment in the people of England. My object and wish always has been to strike at the root of the evil, the American war. If the British nation have jealousies and resentments against the house of Bourbon, yet still the first step in every case would be to rescind the American war, and not to keep it lurking in the rear, to become hereafter, in case of certain events, a reversionary war with America for unconditional terms. This reversionary war was never the object of the people of England: therefore the argument of the breviate was calculated bona fide to accomplish their views, and to discriminate the fallacious pretences of the late administration from the real wishes of the country, as expressed in the circular resolution of many counties in the year 1780, first moved at York on March 28, 1780. Every other principle and every mode of conduct only imply, as you very justly express it, a secret hope that war may still produce successes, and then—. The designs which have been lurking under this pretext could not mean any thing else than this. Who knows but that we may still talk to America at last. The only test of clear intentions would have been this, to have cut up the American war and all possible return to it for any cause, or under any pretext. I am confident that the sentiment of the people of England is and always has been to procure peace and reconciliation with America, and to vindicate the national honour in the contest with the house of Bourbon. If this intention had been pursued in a simple and direct manner, I am confident that the honour and safety of the British nation would long ago have been established in a general peace with all the belligerent powers. These are the sentiments to which I have always acted in those ne-

gociations which I have had upon the subject of peace with the late ministry. Reconciliation with America and peace with all the world upon terms consistent with the honour and safety of my own country.

Peace must be sought in such ways as promise the greatest degree of practicability. The sentiments of individuals as philanthropists may be overborne by the power of ancient prejudices which too frequently prevail in the aggregates of nations. In such case the philanthropist who wishes the good of his own country, and of mankind, must be the bull-rush bending to the storm, and not the sturdy oak unavailingly resisting. National prejudices are, I hope, generally upon the decline. Reason and humanity gain ground every day against their *natural* enemies, folly and injustice. The ideas of nations being *natural* enemies to each other are generally reprobated. But still *jealousies* and ancient rivalships remain, which obstruct the road to peace among men. If one belligerent nation will entertain a standing force of three or four hundred thousand fighting men, other nations must have defended frontiers and barrier towns, and the barrier of a neighbouring island whose constitution does not allow a standing military force, must consist in a superiority at sea. It is necessary for her own defence. If all nations by mutual consent will reduce their *offensive* powers, which they only claim under the pretext of necessary *defence*, and bring forward the reign of the Millenium; then away with your frontiers and barriers, and your Gibraltars, and the key of the Baltic, and all the hostile array of nations.

Aspera compositis mitescant sæcula bellis.

These must be the sentiments of every philanthropist in

his interior thoughts. But if we are not to seek peace by some practicable method accommodated to the remaining prejudices of the multitude, we shall not in our time, I fear, see that happy day. If Great Britain and France are ancient rivals; then, until the reign of the Millenium shall approach, arrange that rivalship upon equitable terms; as the two leading nations of Europe, set them in balance to each other; the one by land, the other by sea. Give to France her elevated rank among the nations of Europe. Give to Great Britain the honour of her flag, and the security of her island by her wooden walls, and there would be no obstruction to general and perpetual peace. The prejudices of disrespect between nations prevail only among the inferior ranks. Believe me, for one at least, I have the highest sentiments of respect for the nation of France. I have no other sentiments of hostility but what are honourable towards them, and which as a member of a rival state at war with them, consists in the duty of vigilance which I owe towards the honour and interests of my own country. I am not conscious of a word or a thought which *on the point of honour* I would wish to have concealed from a French minister. In the mode which I have proposed of unravelling the present subjects of jealousy and contest, I would make my proposals openly to France herself. Let America be free, and enjoy happiness and peace for ever. If France and Great Britain have jealousies or rivalships between themselves as European nations, I then say to France; let us settle these points between ourselves; if unfortunately we shall not be able by honourable negociation to compromise the indispensable points of national honour and safety. This would be my language to France, open and undisguised.

In the mean while I desire you to observe that it would not be with reluctance that I should offer eternal freedom, happiness and peace to America. You know my thoughts too well to suspect that. I speak only as in a state of war desirous to arrange the complicated interests and to secure the respective honour of nations. My wishes are and always have been for the peace, liberty and safety of mankind. In the pursuit of those blessed objects not only this country and America, but France herself and the house of Bourbon, may justly claim the conspiring exertions of every free and liberal mind, even among their temporary enemies and rivals. I am, &c.

D. HARTLEY.

[Inclosed in the Letter of D. HARTLEY, ESQ. of May 1, 1782.]

Breviate, Feb. 7, 1782.

It is stated that America is disposed to enter into a negociation of peace with Great Britain without requiring any formal recognition of Independence; always understood that they are to act in conjunction with their allies, conformable to treaties.

It is therefore recommended to give for reply that the ministers of Great Britain are likewise disposed to enter into a negociation for peace, and that they are ready to open a general treaty for that purpose.

If the British ministers should see any objection to a general treaty, but should still be disposed to enter into a separate treaty with America, it is then recommended to them to offer such terms to America as shall induce her to apply to her allies for their consent that she should be permitted to enter into a separate treaty with Great Britain. The

condition of which being the consent of allies, no proposition of any breach of faith can be understood to be required by them by the requisition of a separate treaty.

The British ministers are free to make any propositions to America which they may think proper, provided they be not dishonourable in themselves, which in the present case is barred by the supposition of consent being obtained. In this case therefore if they should be inclined to offer a separate treaty it is recommended to them to offer such terms to America, as should induce her to be desirous of closing with the proposal of a separate treaty on the grounds of national security and interests, and likewise such as may constitute to them a case of reason and justice upon which they may make requisition to their allies for their consent. It is suggested that the offer to America of a truce of sufficient length, together with the removal of the British troops, would be equivalent to that case which is provided for in the treaty of February 6, 1778, between America and France, viz. *tacit* independence; and the declared ends of that alliance being accomplished it would not be reasonable that America should be dragged on by their allies in a war, the continuance of which between France and Great Britain could only be caused by separate European jealousies and resentments (if unfortunately for the public peace any such should arise) between themselves, independent and unconnected with the American cause. It is to be presumed that France would not in point of honour to their allies refuse their consent so requested, as any rivalship or punctilios between her and Great Britain, as European nations (principles which too frequently disturb the peace of mankind), could not be considered as *casus fœderis* of the American alliance; and

their pride as a belligerent power would not permit them to claim the assistance of America as necessary to their support, thereby proclaiming their nation unequal to the contest in case of the continuance of a war with Great Britain after the settlement and pacification with America. Their consent therefore is to be presumed. But if they should demur on this point, if Great Britain should be disposed to concede *tacit* independence to America by a long truce and the removal of the troops, and if the obstruction should evidently occur on the part of France, under any equivocal or captious construction of a *defensive* treaty of alliance between America and France, Great Britain would from thenceforward stand upon advantage ground, either in any negociation with America, or in the continuance of a war including America, but not arising from any farther resentments of Great Britain towards America, but imposed reluctantly upon both parties by the conduct of the Court of France.

These thoughts are not suggested with any view of giving any preference in favour of a separate treaty above a general treaty, or above any plans of separate but concomitant treaties, like the treaties of Munster and Osnaburgh, but only to draw out the line of negociating a separate treaty in case the British ministry should think it necessary to adhere to that mode. But in all cases it should seem indispensable to express some disposition on the part of Great Britain to adopt either one mode or the other. An absolute refusal to treat at all must necessarily drive America into the closest connexion with France and all other foreign hostile powers, who would take that advantage for making every possible stipulation to the future disadvantage of British interests, and above all things would

probably stipulate that America should never make peace with Great Britain without the most formal and explicit recognition of their Independence, absolute and unlimited.

PRIVATE JOURNAL OF PROCEEDINGS, as kept by DR. FRANKLIN, relative to the Negociations for Peace between Great Britain and the United States of America, in the period between the 21st March and 1st July 1782.

Passy, May 9, 1782.

As since the change of ministry in England, some serious professions have been made of their disposition to peace, and of their readiness to enter into a general treaty for that purpose; and as the concerns and claims of five nations are to be discussed in that treaty, which must therefore be interesting to the present age and to posterity, I am inclined to keep a journal of the proceedings as far as they come to my knowledge, and to make it more complete will first endeavour to recollect what has already past.

Great affairs sometimes take their rise from small circumstances. My good friend and neighbour Madame Brillon being at Nice all last winter for her health, with her very amiable family, wrote to me that she had met with some English gentry there whose acquaintance proved agreeable; among them she named Lord Cholmondeley, who she said had promised to call in his return to England, and drink tea with us at Passy. He left Nice sooner than she supposed, and came to Paris long before her. On the 21st of March I received the following note.

"Lord Cholmondeley's compliments to Dr. Franklin,

he sets out for London to-morrow evening, and should be glad to see him for five minutes before he went. Lord C. will call upon him at any time in the morning he shall please to appoint.

Thursday Evening, Hotel de Chartres."

I wrote for answer that I should be at home all the next morning, and glad to see his Lordship, if he did me the honor of calling upon me. He came accordingly. I had before no personal knowledge of this nobleman. We talked of our friends whom he left at Nice, then of affairs in England, and the late resolutions of the Commons on Mr. Conway's motion. He told me that he knew Lord Shelburne had a great regard for me, and he was sure his Lordship would be pleased to hear from me, and that if I would write a line he should have a pleasure in carrying it. On which I wrote the following.

To Lord Shelburne.

Passy, March 22, 1782.

Lord Cholmondeley having kindly offered to take a letter from me to your Lordship, I embrace the opportunity of assuring the continuance of my ancient respect for your talents and virtues, and of congratulating you on the returning good disposition of your country in favour of America, which appears in the late resolutions of the Commons. I am persuaded it will have good effects. I hope it will tend to produce a *general peace*, which I am sure your Lordship with all good men desires, which I wish to see before I die, and to which I shall with infinite pleasure contribute every thing in my power.

Your friends the Abbè Morellet, and Madame Helvetius are well. With great and sincere esteem, I have the honour to be, my Lord, your Lordship's most obedient and most humble servant, B. FRANKLIN.

Soon after this we heard from England that a total change had taken place in the ministry, and that Lord Shelburne was come in as Secretary of State. But I thought no more of my letter till an old friend and near neighbour of mine, many years in London,[1] appeared at Passy, and introduced a Mr. Oswald, who he said had a great desire to see me; and Mr. Oswald after some little conversation gave me the following letters from Lord Shelburne, and Mr. Laurens.

DEAR SIR, *London, April 6,* 1782.

I have been favoured with your letter, and am much obliged by your remembrance. I find myself returned nearly to the same situation, which you remember me to have occupied nineteen years ago, and should be very glad to talk to you as I did then, and afterwards in 1767, upon the means of promoting the happiness of mankind; a subject much more agreeable to my nature, than the best concerted plans for spreading misery and devastation. I have had a high opinion of the compass of your mind, and of your foresight. I have often been beholden to both, and shall be glad to be so again, so far as is compatible with your situation. Your letter discovering the same disposition has made me send to you Mr. Oswald. I have had a longer acquaintance with him, than even I have had the pleasure to have with you. I believe him an honest man,

[1] Caleb Whiteford, Esq.

and after consulting some of our common friends, I have thought him the fittest for the purpose. He is a practical man, and conversant in those negociations, which are most interesting to mankind. This has made me prefer him to any of our speculative friends, or to any person of higher rank. He is fully apprized of my mind, and you may give full credit to every thing he assures you of. At the same time if any other channel occurs to you, I am ready to embrace it. I wish to retain the same simplicity and good faith, which subsisted between us in transactions of less importance. I have the honour to be, with great and sincere esteem, dear Sir, your faithful and most obedient servant, SHELBURNE.

FROM HENRY LAURENS, ESQ. TO DR. FRANKLIN.

DEAR SIR, *London, April* 7, 1782.

Richard Oswald, Esq. who will do me the honour of delivering this, is a gentleman of the strictest candor and integrity. I dare give such assurance from an experience little short of thirty years; and to add, you will be perfectly safe in conversing freely with him on the business which he will introduce; a business in which Mr. Oswald has disinterestedly engaged from motives of benevolence; and from the choice of the man a persuasion follows that the electors mean to be in earnest. Some people in this country, who have too long indulged themselves in abusing every thing American, have been pleased to circulate an opinion that Dr. Franklin is a very cunning man; in answer to which I have remarked to Mr. Oswald, "Dr. Franklin knows very well how to manage a cunning man, but when the doctor converses or treats with a man

of candor, there is no man more candid than himself." I do not know whether you will ultimately agree in political sketches, but I am sure, as gentlemen, you will part very well pleased with each other.

Should you, Sir, think it proper to communicate to me your sentiments and advice on our affairs, the more ample the more acceptable, and probably the more serviceable. Mr. Oswald will take charge of your dispatches, and afford a secure means of conveyance; to this gentleman I refer you for general information of a journey which I am immediately to make partly in his company; at Ostend to file off for the Hague. I feel a willingness, infirm as I am, to attempt doing as much good as can be expected from such a prisoner on parole. As General Burgoyne is certainly exchanged, (a circumstance by the bye which possibly might have embarrassed us had your late proposition been accepted,) may I presume at my return to offer another Lieutenant General now in England a prisoner upon parole, in exchange; or, what shall I offer in England for myself, a thing in my own estimation of no great value? I have the honour to be, with great respect, and permit me to add, great reverence, Sir, your faithful fellow labourer and obedient servant,

HENRY LAURENS.

I entered into conversation with Mr. Oswald. He was represented in the letter as fully apprized of Lord Shelburne's mind, and I was desirous of knowing it. All I could learn was, that the new ministry sincerely wished for peace; that they considered the object of the war to France and America as obtained. That if the Independence of the United States was agreed to, there was no

other point in dispute, and therefore nothing left to hinder a pacification. That they were ready to treat of *peace*, but intimated that if France should insist upon terms too humiliating to England, they could still continue the war, having yet great strength and many resources left. I let him know that America would not treat but in concert with France, and that my colleagues not being here, I could do nothing of importance in the affair; but that if he pleased I would present him to M. de Vergennes, Secretary of State for Foreign Affairs. He consenting, I wrote and sent the following letter.

To M. le Comte de Vergennes,

Minister for Foreign Affairs, &c. Versailles.

Sir, *Passy, April 15*, 1782.

An English nobleman, Lord Cholmondeley, lately returning from Italy called upon me here, at the time when we received the news of the first resolutions of the House of Commons relating to America. In conversation he said, that he knew his friend Lord Shelburne had a great regard for me, that it would be pleasing to him to hear of my welfare, and to receive a line from me, of which he, Lord Cholmondeley, should like to be the bearer; adding, that if there should be a change of ministry he believed Lord Shelburne would be employed. I thereupon wrote a few lines of which I inclose a copy.[1] This day I received an answer which I also inclose,[2] together with another letter from Mr. Laurens.[3] They both, as your Excellency will see, recommend the bearer Mr.

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[1] See Page 133. [2] Page 134. [3] Page 135.

Oswald, as a very honest sensible man. I have had a little conversation with him. He tells me, that there has been a desire of making a separate peace with America, and of continuing the war with France and Spain, but that now all wise people give up that idea as impracticable, and it is his private opinion that the ministry do sincerely desire a *general peace*, and that they will readily come into it, provided France does not insist upon conditions too humiliating for England; in which case she will make great and violent efforts rather than submit to them, and that much is still in her power, &c. I told the gentleman that I could not enter into particulars with him, but in concert with the ministers of this Court, and I proposed introducing him to your Excellency after communicating to you the letters he had brought me in case you should think fit to see him; with which he appeared to be pleased. I intend waiting on you to-morrow, when you will please to acquaint me with your intentions and favour me with your counsels. He had heard nothing of Forth's mission and imagined the old ministry had not acquainted the new with that transaction. Mr. Laurens came over with him in the same vessel, and went from Ostend to Holland. I have the honor to be, &c.

B. FRANKLIN.

The next day being at Court with the foreign ministers as usual on Tuesdays, I saw M. de Vergennes, who acquainted me that he had caused the letters to be translated, had considered the contents, and should like to see Mr. Oswald. We agreed that the interview should be on Wednesday at 10 o'clock.

Immediately on my return home, I wrote to Mr. Os-

wald, acquainting him with what had passed at Versailles, and proposing that he should be with me at half-past eight the next morning in order to proceed thither.

I received from him the following answer.

SIR,

I have the honor of yours by the bearer, and shall be sure to wait on you to-morrow at half-past eight. I am with much respect, Sir, your most obedient humble servant, RICHARD OSWALD.

Paris, 16th April.

He came accordingly, and we arrived at Versailles punctually. M. de Vergennes received us with much civility. Mr. Oswald not being ready in speaking French, M. de Rayneval [1] interpreted. The conversation continued near an hour. Mr. Oswald at first thought of sending an express with an account of it, and was offered a passport, but finally concluded to go himself; and I wrote the next day to Lord Shelburne the letter following.

MY LORD, *Passy, April* 18, 1782.

I have received the letter your Lordship did me the honor of writing to me the 6th instant. I congratulate you on your new appointment to the honorable and important office you formerly filled so worthily; an office which must be so far pleasing to you as it affords you more opportunities of doing good and of serving your country essentially in its great concerns. I have conversed a good deal with Mr. Oswald, and am much pleased with him. He appears to me a wise and honest man. I acquainted him, that I was commissioned with

[1] Under Secretary for foreign affairs.

others to treat of and conclude a peace. That full powers were given us for that purpose, and that the Congress promised in good faith to ratify, confirm, and cause to be faithfully observed, the treaty we should make: but that we would not treat separately from France, and I proposed introducing him to M. le Comte de Vergennes, to whom I communicated your Lordship's letter containing Mr. Oswald's character, as a foundation for the interview. He will acquaint you that the assurance he gave of his Britannic Majesty's good dispositions towards peace, was well received, and assurances returned of the same dispositions in his most Christian Majesty. With regard to circumstances relative to a treaty, M. de Vergennes observed, that the King's engagements were such as that he could not treat without the concurrence of his allies; that the treaty should therefore be for a general not a partial peace; that if the parties were disposed to finish the war speedily by themselves, it would perhaps be best to treat at Paris, as an ambassador from Spain was already there, and the Commissioners from America might easily and soon be assembled there. Or if they chose to make use of the proposed mediation, they might treat at Vienna: but that the King was so truly willing to put a speedy end to the war, that he would agree to any place the King of England should think proper. I leave the rest of the conversation to be related to your Lordship by Mr. Oswald, and that he might do it more easily and fully than he could by letter, I was of opinion with him that it would be best to return immediately, and do it *vivâ voce*. Being myself but one of the four persons now in Europe commissioned by the Congress to treat of peace, I can make no proposition of such importance without them; I can only ex-

press my wish, that if Mr. Oswald returns hither, he may bring with him the agreement of your court to treat for a general peace, and the proposal of place and time, that I may immediately write to Messrs. Adams, Laurens, and Jay. I suppose that in this case your Lordship will think it proper to have Mr. Laurens discharged from the engagements he entered into when he was admitted to bail. I desire no other channel of communication between us than Mr. Oswald, which I think your Lordship has chosen with much judgment. He will be witness of my acting with all the simplicity and good faith which you do me the honour to expect from me; and if he is enabled when he returns hither to communicate more fully your Lordship's mind on the principal points to be settled, I think it may contribute much to the blessed work our hearts are engaged in.

By the act of parliament relative to American prisoners, I see the King is empowered to exchange them. I hope those you have in England and Ireland may be sent home soon to their country in flags of truce, and exchanged for an equal number of your people; permit me to add that I think it would be well if some kindness were mixed in the transaction, with regard to their comfortable accommodation on ship board; as those poor unfortunate people have been long absent from their families and friends, and rather hardly treated. With great and sincere respect, I have the honour to be, my Lord, your Lordship's, &c. &c.

B. FRANKLIN.

To the account contained in this letter of what passed in the conversation with the minister, I should add his frank declaration, that as the foundation of a good and

durable peace should be laid in justice, whenever a treaty was entered upon, he had several demands to make of justice from England. Of this, said he, I give you previous notice. What those demands were, he did not particularly say; one occurred to me, viz. reparation for the injury done in taking a number of French ships by surprize before the declaration of the preceding war, contrary to the law of nations. Mr. Oswald seemed to wish obtaining some propositions to carry back with him, but M. de Vergennes said to him very properly; "there are four nations engaged in the war against you, who cannot till they have consulted and know each other's minds, be ready to make propositions. Your court being without allies and alone, knowing its own mind, can express it immediately. It is therefore more natural to expect the first propositions from you."

On our return from Versailles, Mr. Oswald took occasion to impress me with ideas, that the present weakness of the government in England with regard to continuing the war, was owing chiefly to the division of sentiments about it. That in case France should make demands too humiliating for England to submit to, the spirit of the nation would be roused, unanimity would prevail, and resources would not be wanting. He said there was no want of money in the nation; that the chief difficulty lay in the finding out new taxes to raise it; and perhaps that difficulty might be avoided by shutting up the Exchequer, stopping the payment of the interest of the public funds, and applying that money to the support of the war. I made no reply to this, for I did not desire to discourage their stopping payment, which I considered as cutting the throat of their public credit, and a means of adding fresh

exasperation against them with the neighbouring nations: such menaces were besides an encouragement with me, remembering the adage, that *they who threaten are afraid.*

The next morning, when I had written the above letter to Lord Shelburne, I went with it to Mr. Oswald's lodgings, and gave it him to read before I sealed it, that in case any thing might be in it with which he was not satisfied, it might be corrected; but he expressed himself much pleased. In going to him, I had also in view the entering into a conversation, which might draw out something of the mind of his court on the subject of Canada and Nova Scotia. I had thrown out some loose thoughts on paper, which I intended to serve as memorandums for my discourse, but without a fixed intention of showing them to him. On his saying that he was obliged to me for the good opinion I had expressed of him to Lord Shelburne in my letter, and assuring that he had entertained the same of me; I observed, that I perceived Lord S. placed great confidence in him, and as we had happily the same in each other, we might possibly by a free communication of sentiments, and a previous settling of our own minds on some of the important points, be the means of great good, by impressing our sentiments on the minds of those with whom they might have influence, and where their being received might be of importance. I then remarked that his nation seemed to desire a reconciliation with America; that I heartily wished the same thing; that a mere peace would not produce half its advantages if not attended with a sincere reconciliation; that to obtain this the party which had been the aggressors, and had cruelly treated the other, should show some marks of concern for what was past, and some disposition to make re-

paration: that perhaps there were things which America might demand by way of reparation, and which England might yield, but that the effect would be vastly greater if they appeared to be voluntary, and to spring from returning good-will; that I therefore wished England would think of offering something to relieve them who had suffered by its scalping and burning parties; lives indeed could not be restored nor compensated, but the villages and houses wantonly destroyed might be rebuilt, &c. I then touched upon the affair of Canada, and as in a former conversation he had maintained his opinion, that the giving up of that country to the English at the last peace had been a politic act in France, for that it had weakened the ties between England and her colonies, and that he himself had predicted from it the late revolution; I spoke of the occasions of future quarrels that might be produced by her continuing to hold it; hinting at the same time, but not expressing it too plainly, that such a situation, to us so dangerous, would necessarily oblige us to cultivate and strengthen our union with France. He appeared much struck with my discourse; and as I frequently looked at my paper, he desired to see it. After some little delay, I allowed him to read it. The following is an exact copy.

NOTES OF CONVERSATION.

"To make a peace durable, what may give occasion for future wars, should, if practicable, be removed.

The territory of the United States and that of Canada by long extended frontiers touch each other.

The settlers on the frontiers of the American pro-

vinces are generally the most disorderly of the people, who being far removed from the eye and controul of their respective governments, are more bold in committing offences against neighbours, and are for ever occasioning complaints, and furnishing matter for fresh differences between their states.

By the late debates in parliament, and public writings, it appears that Britain desires a *reconciliation* with the Americans. It is a sweet word. It means much more than a mere peace, and it is heartily to be wished for. Nations make a peace whenever they are both weary of making war. But if one of them has made war upon the other unjustly, and has wantonly and unnecessarily done it great injuries, and refuses reparation; though there may for the present be peace, the resentment of those injuries will remain, and will break out again in vengeance, when occasions offer. Those occasions will be watched for by one side, feared by the other; and the peace will never be secure; nor can any cordiality subsist between them.

Many houses and villages have been burnt in America, by the English and their allies the Indians. I do not know that the Americans will insist on reparation. Perhaps they may. But would it not be better for England to offer it? Nothing would have a greater tendency to conciliate. And much of the future commerce and returning intercourse between the two countries may depend on the reconciliation. Would not the advantage of reconciliation by such means be greater than the expence?

If then a way can be proposed which may tend to efface the memory of injuries, at the same time that it takes away the occasions of fresh quarrels and mischief,

will it not be worth considering, especially if it can be done not only without expence, but be a means of saving.

Britain possesses Canada. Her chief advantage from that possession consists in the trade for peltry. Her expences in governing and defending that settlement must be considerable. It might be humiliating to her to give it up on the demand of America. Perhaps America will not demand it. Some of her political rulers may consider the fear of such a neighbour as a means of keeping the thirteen States more united among themselves, and more attentive to military discipline. But in the mind of the people in general, would it not have an excellent effect if Britain should voluntarily offer to give up that province; though on these conditions, that she should in all time coming have and enjoy the right of free trade thither unincumbered with any duties whatsoever; that so much of the waste lands there shall be sold as will raise a sum sufficient to pay for the houses burnt by the British troops and their Indians, and also to indemnify the Royalists for the confiscation of their estates.

This is mere conversation matter between Mr. O. and Mr. F. as the former is not empowered to make propositions, and the latter cannot make any without the concurrence of his colleagues."

He then told me that nothing in his judgment could be clearer, more satisfactory, and convincing than the reasonings in that paper; that he would do his utmost to impress Lord Shelburne with them; that as his memory might not do them justice, and it would be impossible for him to express them so well, or state them so clearly as I had written them, he begged I would let him take the

paper with him, assuring me that he would return it safely into my hands. I at length complied with this request also. We parted exceeding good friends, and he set out for London.

By the first opportunity afterwards, I wrote the following letter to Mr. Adams, and sent the papers therein mentioned, that he might be fully apprized of the proceedings. I omitted only the paper of *notes for conversation* with Mr. Oswald, but gave the substance as appears in the letter. The reason of my omitting it was, that on reflection, I was not pleased with my having hinted a reparation to the Tories for their forfeited estates; and I was a little ashamed of my weakness in permitting the paper to go out of my hands.

SIR, *Passy, April* 20, 1782.

I hope your Excellency received the copy of our instructions which I sent by the courier from Versailles some weeks since. I wrote to you on the 13th to go by Capt. Smedley, and sent a packet of correspondence with Mr. Hartley. Smedley did not leave Paris so soon as I expected: but you should have it by this time. With this I send a fresh correspondence which I have been drawn into, viz. 1. A letter I sent to Lord Shelburne before he was minister. 2. His answer by Mr. Oswald since he was minister. 3. A letter from Mr. Laurens. 4. My letter to M. de Vergennes. 5. My answer to Lord Shelburne. 6. My answer to Mr. Laurens. 7. Copy of Digges's report. These papers will inform you pretty well of what passed between me and Mr. Oswald, except that in a conversation at parting I mentioned to him, that I observed they spoke much in England of ob-

taining a *reconciliation* with the colonies; that this was more than a mere *peace;* that the latter might possibly be obtained without the former; that the cruel injuries wantonly done us by burning our towns, &c. had made deep impressions of resentment that would long remain; that much of the advantage to the commerce of England from a peace, would depend on a *reconciliation;* that the peace without a reconciliation would probably not be durable; that after a quarrel between friends, nothing tended so much to *conciliate,* as offers made by the aggressor of reparation for injuries done by him in his passion. And I hinted if England should make us a voluntary offer of Canada expressly for that purpose, it might have a good effect. Mr. Oswald liked much the idea, said they were too much straitened for money to make us pecuniary reparation, but he should endeavour to persuade their doing it in this way. He is furnished with a passport to go and return by Calais, and I expect him back in ten or twelve days. I wish you and Mr. Laurens could be here when he arrives: for I shall much want your advice, and cannot act without your concurrence. If the present crisis of your affairs prevents your coming, I hope at least Mr. Laurens will be here, and we must communicate with you by expresses, for your letters to me per post are generally opened. I shall write per next post requesting Mr. Jay to be here also as soon as possible.

I received your letter advising of a draft on me for a quarter's salary, which will be duly honoured. With great esteem, I have the honour to be your Excellency's, &c. &c.

B. FRANKLIN.

Supposing Mr. Laurens to be in Holland with Mr. Adams, I at the same time wrote the following letter :—

To Henry Laurens, Esq. &c.

Sir, *Passy, April* 20, 1782.

I received by Mr. Oswald the letter you did me the honour of writing to me the 7th instant; he brought me also a letter from Lord Shelburne, which gave him the same good character that you do, adding, " he is fully apprized of my mind, and you may give full credit to every thing he assures you of." Mr. Oswald, however, could give me no other particulars of his Lordship's mind, but that he was sincerely disposed to peace. As the message seemed therefore rather intended to procure or receive propositions than to make any, I told Mr. Oswald that I could make none but in concurrence with my colleagues in the commission, and that if we were together we should not treat but in conjunction with France, and I proposed introducing him to M. de Vergennes, which he accepted. He made to that minister the same declaration of the disposition of England to peace, who replied that France had already the same good dispositions; that a treaty might be immediately begun, but it must be for a *general,* not particular peace. That as to the place, he thought Paris might be most convenient, as Spain had here already an ambassador, and the American commissioners could easily be assembled here : this upon a sup position of the parties treating directly with each other without the intervention of mediators. But if the mediation was to be used, it might be at Vienna. The King his master however was so truly disposed to peace, that he would agree to any place the King of England should chuse; and would at the treaty give proof of the confi-

dence that might be placed in any engagements he should enter into, by the fidelity and exactitude with which he should observe those he already had with his present allies. Mr. Oswald is returned with these general answers, by the way of Calais, and expects to be here again in a few days. I wish it might be convenient for you and Mr. Adams to be here at the same time: but if the present critical situation of affairs there, make his being in Holland necessary just now, I hope you may nevertheless be here, bringing with you his opinion and advice. I have proposed to Lord Shelburne to discharge you from the obligations you entered into at the time of your enlargement, that you may act more freely in the treaty he desires. I had done myself the honour of writing to you a few days before the arrival of Mr. Oswald. My letter went by Mr. Young, your secretary, and inclosed a copy of our commission, with an offer of money if you had occasion for any. Hoping that you will not return to England before you have been at Paris, I forbear enlarging on the state of our affairs here and in Spain. M. de Vergennes told me he should be very glad to see you here. I found Mr. Oswald to answer perfectly the character you gave me of him, and was much pleased with him. I have the honour to be, with great esteem and respect, Sir, &c. &c.

B. FRANKLIN.

Just after I had dispatched these letters, I received the following from Mr. Adams.

SIR, *Amsterdam, April* 16, 1782.

Yesterday noon, Mr. William Vaughan of London, came to my house with Mr. Laurens a son of

the President, and brought me a line from the latter, and told me that the President was at Haerlem, and desired to see me. I went out to Haerlem, and found my old friend at the Golden Lion.

He told me he was come partly for his health, and the pleasure of seeing me, and partly to converse with me, and see if he had at present just ideas and views of things; at least to see if we agreed in sentiment, and having been desired by several of the new ministry to do so.

I asked him if he was at liberty? He said, No, that he was still under parole, but at liberty to say what he pleased to me.

I told him that I could not communicate to him, being a prisoner, even his own instructions, nor enter into any consultations with him as one of our colleagues in the commission for peace: that all I should say to him would be as one private citizen conversing with another: but that upon all such occasions I should reserve a right to communicate whatever should pass to our colleagues and allies.

He said, that Lord Shelburne and others of the new ministers were anxious to know whether there was any authority to treat of a separate peace, and whether there could be an accommodation upon any terms short of independence; that he had ever answered them, that nothing short of an express or tacit acknowledgment of our independence in his opinion would ever be accepted, and that no treaty ever would or could be made separate from France. He asked me if his answers had been right? I told him, I was fully of that opinion.

He said, that the new ministers had received Digges's report, but his character was such that they did not chuse

to depend upon it: that a person by the name of Oswald, I think, set off for Paris to see you, about the same time that he came away to see me.

I desired him, between him and me, to consider, without saying any thing of it to the ministry, whether we could ever have a real peace with Canada and Nova Scotia in the hands of the English? And whether we ought not to insist at least upon a stipulation, that they should keep no standing army or regular troops, nor erect any fortifications on the frontiers of either? That at present I saw no motive that we had to be anxious for a peace, and if the nation was not ripe for it upon proper terms, we might wait patiently till they should be so.

I found the old gentleman perfectly sound in his system of politics. He has a very poor opinion both of the integrity and abilities of the new ministry, as well as the old. He thinks they know not what they are about; that they are spoiled by the same insincerity, duplicity, falsehood, and corruption, with the former. Lord Shelburne still flatters the king with ideas of conciliation and separate peace, &c. Yet the nation and the best men in it are for an universal peace, and an express acknowledgment of American independence, and many of the best are for giving up Canada and Nova Scotia.

His design seemed to be solely to know how far Digges's report was true. After an hour or two of conversation, I returned to Amsterdam, and left him to return to London.

These are all but artifices to raise the stocks, and if you think of any method to put a stop to them, I will cheerfully concur with you. They now know sufficiently, that our commission is to treat of a general peace, and with

persons vested with equal powers: and if you agree to it, I will never see another messenger that is not a plenipotentiary.

It is expected that the seventh province, Guelderland, will this day acknowledge American independence. I think we are in such a situation now that we ought not upon any consideration to think of a truce, or any thing short of an express acknowledgment of the sovereignty of the United States. I should be glad, however, to know your sentiments upon this point.

I have the honour to be, Sir, your most obedient and most humble servant, JOHN ADAMS.

To the above, I immediately wrote the following answer.

SIR, *Passy, April* 20, 1782.

I have just received the honour of yours dated the 16th instant, acquainting me with the interview between your Excellency and Mr. Laurens. I am glad to learn that his political sentiments coincide with ours, and that there is a disposition in England to give us up Canada and Nova Scotia.

I like your idea of seeing no more messengers that are not plenipotentiaries; but I cannot refuse seeing Mr. Oswald again, as the minister here considered the letter to me from Lord Shelburne as a kind of authority given that messenger, and expects his return with some explicit propositions. I shall keep you advised of what passes.

The late act of parliament for exchanging American prisoners as *prisoners of war*, according to the law of nations, any thing in their commitments *notwithstanding*,

seemed a renunciation of their pretensions to try our people as subjects guilty of high treason, and to be a kind of tacit acknowledgment of our independence. Having taken this step, it will be less difficult for them to acknowledge it expressly. They are now preparing transports to send the prisoners home. I yesterday sent the passports desired of me.

Sir George Grand showed me a letter from Mr. Fizeaux in which he said, that if advantage is taken of the present enthusiasm in favour of America, a loan might be obtained in Holland of five or six millions of florins for America; and if their house is impowered to open it, he has no doubt of success; but that no time is to be lost. I earnestly recommend this matter to you, as extremely necessary to the operations of our financier Mr. Morris, who not knowing that the greatest part of the last five millions had been consumed by purchase of goods, &c. in Europe, writes me advice of large drafts that he shall be obliged to make upon me this summer. This court has granted us six millions of livres for the current year; but it will fall vastly short of our occasions, there being large orders to fulfil, and near two millions and a half to pay M. Beaumarchais, besides the interest of bills, &c. The house of Fizeaux and Grand is now appointed banker for France, by a special commission from the king, and will on that as well as other accounts, be in my opinion the fittest for this operation. Your Excellency being on the spot, can better judge of the terms, &c. and manage with that house the whole business, in which I should be glad to have no other concern, than that of receiving assistance from it when pressed by the dreaded drafts.

With great respect, I am, your Excellency's &c.

B. FRANKLIN.

In reply to this Mr. Adams wrote to me as follows.

SIR, *Amsterdam, May* 2, 1782.

I am honoured with your favour of the 20th April, and Mr. Laurens's son proposes to carry the letter to his farther forthwith. The instructions by the courier from Versailles came safe, as also other dispatches by that channel no doubt will do. The correspondence with Mr. Hartley, I received by Captain Smedley, and will take the first good opportunity by a private hand to return it, as well as that with the Earl of Shelburne.

Mr. Laurens and Mr. Jay will I hope be able to meet at Paris, but when it will be in my power to go I know not. Your present negociation about peace falls in very well to aid a proposition which I am instructed to make, as soon as the court of Versailles shall judge proper, of a triple or quadruple alliance. This matter, the treaty of commerce which is now under deliberation, and the loan will render it improper for me to quit this station unless in case of necessity. If there is a real disposition to permit Canada to accede to the American association, I should think there could be no great difficulty in adjusting all things between England and America, provided our allies are contented too. In a former letter I hinted that I thought an express acknowledgment of our independence might now be insisted on: but I did not mean that we should insist upon such an article in the treaty. If they make a treaty of peace with the United States of America, this is acknowledgment enough for me. The

affair of a loan gives me much anxiety and fatigue. It is true I may open a loan for five millions, but I confess I have no hopes of obtaining so much. The money is not to be had. Cash is not infinite in this country. Their profits by trade have been ruined for two or three years; and there are loans open for France, Spain, England, Russia, Sweden, Denmark, and several other powers, as well as their own national, provincial and collegiate loans. The undertakers are already loaded with burthens greater than they can bear, and all the brokers in the republic are so engaged, that there is scarcely a ducat to be lent but what is promised.

This is the true cause why we shall not succeed; yet they will seek an hundred other pretences. It is considered such an honour and such an introduction to American trade to be the House, that the eagerness to obtain the title of American banker is prodigious. Various houses have pretensions which they set up very high, and let me chuse which I will, I am sure of a cry and a clamour. I have taken some measures to endeavour to calm the heat and give general satisfaction, but have as yet small hopes of success. I would strike with any house that would insure the money, but none will undertake it now it is offered, although several were very ready to affirm that they could when it began to be talked of. Upon enquiry they do not find the money easy to obtain, which I could have told them before. It is to me personally perfectly indifferent which is the house, and the only question is, which will be able to do best for the interest of the United States. This question however simple is not easy to answer. But I think it clear, after very painful and laborious enquiries for a year and a half, that no house whatever will be able

to do much. Enthusiasm at some times and in some countries may do a great deal, but there has as yet been no enthusiasm in this country for America, strong enough to untie many purses. Another year, if the war should continue, perhaps we may do better.

I have the honour to be, Sir, your most obedient and most humble servant, J. ADAMS.

During Mr. Oswald's absence I received the following from Mr. Laurens.

SIR, *London, April* 30, 1782.

I writ to you on the 7th instant by Mr. Oswald, since which, that is to say on the 28th, I was honoured with the receipt of your letter of the 12th, inclosing a copy of the commission for treating for peace, by the hands of Mr. Young.

The recognizance exacted from me by the late ministry has been vacated and done away by the present. These have been pleased to enlarge me without formal conditions, but as I would not consent that the United States of America should be outdone in generosity, however late the marks appeared on this side, I took upon me to assure Lord Shelburne in a letter of acknowledgment for the part which his lordship had taken for obtaining my release, that Congress would not fail to make a just and adequate return,—the only return in my view is Lieutenant General Lord Cornwallis; Congress were pleased to offer some time ago a British Lieutenant General for my ransom, and as I am informed the special exchange of Lord Cornwallis for the same subject was lately in contemplation, it would afford me very great satisfaction to know that you

will join me in cancelling the debt of honour which we have impliedly incurred, by discharging his lordship from the obligations of his parole; for my own part, though not a bold adventurer, I think I shall not commit myself to the risque of censure by acting conjunctly with you in such a bargain. I intreat you, Sir, at least to reflect on this matter: I shall take the liberty of requesting your determination when I reach the continent, which will probably happen in a few days. Lord Cornwallis, in a late conversation with me, put the following case. Suppose, said his lordship, it shall have been agreed in America that Lord Cornwallis should be offered in exchange for Mr. Laurens, do not you think, although you are now discharged, I ought to reap the intended benefit? A reply from the feelings of my heart, as I love fair play, was prompt. Undoubtedly, my Lord, you ought to be, and shall be in such case discharged, and I will venture to take the burthen upon myself. Certain legal forms I apprehend rendered the discharge of me without conditions unavoidable, but I had previously refused to accept of myself for nothing, and what I now aim at was understood as an adequate return; 'tis not to be doubted, his Lordship's question was built on this ground.

I had uniformly and explicitly declared to the people here, people in the first rank of importance, that nothing short of independence in terms of our alliances could induce America to treat for a truce or a peace, and that no treaty could be had without the consent of our ally first obtained: in a word, if you mean to have a peace you must seek for a general peace. The doctrine was ill relished, especially by those, whose power only could set the machine in motion, but having since my return from Haer-

lem asserted in very positive terms, that I was confirmed in my former opinions, the late obduracy has been more than a little softened, as you will soon learn from the worthy friend by whom I addressed you on the 7th, who two days ago set out on his return to Passy and Versailles with (as I believe) more permanent commission than the former.

Accept my thanks, Sir, for the kind offer of a supply of money. I know too well how much you have been harassed for that article, and too well, how low our American finances in Europe are: therefore, if I can possibly avoid it, I will not further trouble you, nor impoverish them, or not till the last extremity: hitherto I have supported myself without borrowing from any body, and I am determined to continue living upon my own stock while it lasts. The stock is indeed small: my expenses have been and shall be in a suitably modest stile. I pray God to bless you: I have the honour to be, Sir, your most obedient servant, HENRY LAURENS.

P. S. I judged it proper not only to show the peace commission to Lord Shelburne, but to give his Lordship a copy of it, from an opinion that it would work no evil being shown elsewhere.

On the 4th May Mr. Oswald returned and brought me the following letter from Lord Shelburne.

DEAR SIR, *Shelburne House, April* 28, 1782.

I have received much satisfaction in being assured by you, that the qualifications of wisdom and integrity, which induced me to make choice of Mr.

Oswald, as the fittest instrument for the renewal of our friendly intercourse, have also recommended him so effectually to your approbation and esteem. I most heartily wish that the influence of this first communication of our mutual sentiments may be extended to a happy conclusion of all our public differences.

The candour with which M. le Comte de Vergennes expresses his most Christian Majesty's sentiments and wishes on the subject of a speedy pacification, is a pleasing omen of its accomplishment. His Majesty is not less decided in the same sentiments and wishes, and it confirms his Majesty's ministers in their intention to act in like manner, as most consonant to the true dignity of a great nation.

In consequence of these reciprocal advances Mr. Oswald is sent back to Paris, for the purpose of arranging and settling with you the preliminaries of time and place: and, I have the pleasure to tell you, that Mr. Laurens is already discharged from those engagements, which he entered into, when he was admitted to bail.

It is also determined that Mr. Fox, from whose department that communication is necessarily to proceed, shall send a proper person, who may confer and settle immediately with M. de Vergennes the further measures and proceedings which may be judged proper to adopt towards advancing the prosecution of this important business. In the mean time Mr. Oswald is instructed to communicate to you my thoughts upon the principal objects to be settled.

Transports are actually preparing for the purpose of conveying your prisoners to America, to be there exchanged, and we trust, that you will learn, that due atten-

tion has not been wanting to their accommodation and good treatment.

I have the honour to be with very sincere respect, dear Sir, your faithful and obedient servant, SHELBURNE.

Having read the letter, I mentioned to Mr. Oswald the part which refers me to him for his Lordship's sentiments. He acquainted me that they were very sincerely disposed to peace; that the whole ministry concurred in the same dispositions; that a good deal of confidence was placed in my character for open honest dealing; that it was also generally believed I had still remaining some part of my ancient affection and regard for Old England, and it was hoped it might appear on this occasion. He then showed me an extract from the minutes of council, but did not leave the paper with me. As well as I remember it was to this purpose.

At a Cabinet Council held April 27, 1782, present—Lord Rockingham, Lord Chancellor, Lord President, Lord Camden, &c. &c. (to the number of fifteen or twenty, being all ministers and great officers of state.)

"It was proposed to represent to his Majesty, that it would be well for Mr. Oswald to return to Dr. Franklin and acquaint him, that it is agreed to treat for a general peace, and at Paris; and that the principal points in contemplation are, the allowing of American independence, on condition that England be put into the same situation that she was left in by the peace of 1763."

Mr. Oswald also informed me, that he had conversed with Lord Shelburne on the subject of my paper of notes relating to reconciliation. That he had shown him the paper, and had been prevailed on to leave it with him a

night, but it was on his Lordship's solemn promise of returning it, which had been complied with, and he now returned it to me. That it seemed to have made an impression, and he had reason to believe that matter might be settled to our satisfaction towards the end of the treaty; but in his mind he wished it might not be mentioned at the beginning. That his Lordship indeed said, he had not imagined reparation would be expected; and he wondered I should not know whether it was intended to demand it. Finally Mr. Oswald acquainted me, that as the business, now likely to be brought forward, more particularly appertained to the department of the other secretary, Mr. Fox, he was directed to announce another agent coming from that department, who might be expected every day, viz. the Honourable Mr. Grenville, brother of Lord Temple, and son of the famous Mr. George Grenville, formerly Chancellor of the Exchequer.

I immediately wrote the following note to M. le Comte de Vergennes.

SIR, *Passy, May* 4, 1782.

I have the honour to acquaint your Excellency that Mr. Oswald is just returned from London, and now with me. He has delivered me a letter from Lord Shelburne which I inclose for your perusal, together with a copy of my letter to which it is an answer. He tells me, that it has been agreed in council to treat at Paris, and to treat of a *general peace;* and that as it is more particularly in the department of Mr. Fox, to regulate the circumstantials, a gentleman, (Mr. Grenville) to be sent by him for that purpose, may be daily expected here. Mr.

Oswald will wait on your Excellency whenever you shall think fit to receive him. I am with respect your Excellency's most obedient and most, &c. &c.

B. FRANKLIN.

And the next day I received the following answer.

à Versailles, le 5 May, 1782.

J'ai reçu, Monsieur, la lettre que vous m'avez fait l'honneur de m'écrire le 4 de ce mois, ainsi que celles qui y étoient jointes. Je vous verrai avec plasir avec votre ami demain matin à onze heures.

J'ai l'honneur d'être sincèrement, Monsieur, votre très humble et très obéissant serviteur, DE VERGENNES.

Accordingly on Monday morning I went with Mr. Oswald to Versailles, and we saw the minister. Mr. Oswald acquainted him with the disposition of his court to treat for a general peace and at Paris; and he announced Mr. Grenville, who he said was to set out about the same time with him, but as he would probably come by way of Ostend, might be a few days longer on the road. Some general conversation passed, agreeable enough, but not of importance. In our return Mr. Oswald repeated to me his opinion, that the affair of Canada would be settled to our satisfaction, and his wish that it might not be mentioned till towards the end of the treaty. He intimated too, that it was apprehended the greatest obstructions in the treaty might come from the part of Spain; but said if she was unreasonable, there were means to bring her to reason; that Russia was a friend to England, had lately made great discoveries on the back of North America,

could make establishments there, and might easily transport an army from Kamschatka to the Coast of Mexico, and conquer all those countries. This appeared to me a little visionary at present, but I did not dispute it. On the whole I was able to draw so little from Mr. O. of the sentiments of Lord S. who had mentioned him as entrusted with the communication of them, that I could not but wonder at his being sent again to me, especially as Mr. Grenville was so soon to follow.

On Tuesday I was at court as usual on that day, M. de Vergennes asked me if Mr. Oswald had not opened himself farther to me. I acquainted him with the sight I had had of the minute of council, and of the loose expressions contained in it of what was in contemplation. He seemed to think it odd that he had brought nothing more explicit. I supposed Mr. Grenville might be better furnished.

The next morning I wrote the following letter to Mr. Adams.

SIR, *Passy, May* 8, 1782.

Mr. Oswald, whom I mentioned in a former letter which I find you have received, is returned, and brought me another letter from Lord Shelburne of which the above is a copy. It says, Mr. Oswald is instructed to communicate to me his Lordship's thoughts. He is however very sparing of such communication. All I have got from him is that the ministry have in contemplation the "allowing Independence to America on condition of Britain being put again into the state she was left in by the peace of 1763," which I suppose means being put again in possession of the islands France has taken from her. This seems to me

a proposition of selling to us a thing that is already our own, and making France pay the price they are pleased to ask for it. Mr. Grenville, who is sent by Mr. Fox, is expected here daily. Mr. Oswald tells me that Mr. Laurens will soon be here also. Yours of the 2nd instant is just come to hand. I shall write to you on this affair hereafter by the Court couriers, for I am certain your letters to me are opened at the post office either here or in Holland. I suppose mine to you are treated in the same manner. I enclose the cover of your last that you may see the seal. With great respect I am, Sir, your Excellency's, &c. &c. B. FRANKLIN.

I had but just sent away this letter, when Mr. Oswald came in, bringing with him Mr. Grenville, who was recently arrived. He gave me the following letter from Mr. Secretary Fox.

SIR, *St. James's, May*, 1, 1782.

Though Mr. Oswald will no doubt have informed you of the nature of Mr. Grenville's commission, yet I cannot refrain from making use of the opportunity his going offers me, to assure you of the esteem and respect which I have borne to your character, and to beg you to believe, that no change in my situation has made any in those ardent wishes for reconciliation which I have invariably felt from the very beginning of this unhappy contest.

Mr. Grenville is fully acquainted with my sentiments upon this subject, and with the sanguine hopes which I have conceived that those with whom we are contending

are too reasonable to continue a contest, which has no longer any object either real or even imaginary.

I know your liberality of mind too well to be afraid lest any prejudices against Mr. Grenville's *name* may prevent you from esteeming those excellent qualities of heart and head which belong to him, or from giving the fullest credit to the sincerity of his wishes for peace, in which no man in either country goes beyond him. I am, with great truth and regard, Sir, your most obedient humble servant,

C. J. Fox.

I imagined the gentlemen had been at Versailles, as I supposed Mr. G. would first have waited on M. de Vergennes, before he called on me. But finding in conversation that he had not, and that he expected me to introduce him, I immediately wrote to that minister, acquainting him that Mr. G. was arrived, and desired to know when his Excellency would think fit to receive him: and I sent an express with my letter. I then entered into conversation with him on the subject of his mission, Mr. Fox having referred me to him as being fully acquainted with his sentiments. He said that peace was really wished for by every body, if it could be obtained on reasonable terms; and as the idea of subjugating America was given up, and both France and America had thereby obtained what they had in view originally, it was hoped that there now remained no obstacle to a pacification. That England was willing to treat of a general peace with all the powers at war against her, and that the treaty should be at Paris. I did not press him much for farther particulars, supposing they were reserved for our interview with M. de Vergennes. The gentlemen did me the honour of staying

dinner with me, on the supposition which I urged that my express might be back before we parted. This gave me an opportunity of a good deal of general conversation with Mr. Grenville, who appeared to me a sensible, judicious, intelligent, good-tempered, and well-instructed young man, answering well the character Mr. Fox had given me of him. They left me however about six o'clock, and my messenger did not return till near nine. He brought me the answer of M. le Comte de Vergennes, that he was glad to hear of Mr. Grenville's arrival, and would be ready to receive us to-morrow at half-past 10 or 11 o'clock. I immediately inclosed his note in one to Mr. Grenville, requesting him to be with me at Passy by eight, that we might have time to breakfast, before we set out. I have preserved no copy of these three last mentioned notes, or I should have inserted them, as I think that though they seem of almost too trifling a nature, they serve usefully sometimes to settle dates, authenticate facts, and show something of the turn and manner of thinking of the writers, on particular occasions. The answer I received was as follows:

"Mr. Grenville presents his compliments to Mr. Franklin, and will certainly do himself the honour of waiting upon Mr. Franklin to-morrow morning at 8 o'clock.
Rue de Richelieu, Wednesday Night."

We set out accordingly the next morning in my coach from Passy, and arrived punctually at M. de Vergennes', who received Mr. Grenville in the most cordial manner, on account of the acquaintance and friendship that had formerly subsisted between his uncle and M. de Vergennes

when they were ambassadors together at Constantinople. After some little agreeable conversation, Mr. Grenville presented his letters from Mr. Secretary Fox, and I think from the Duke of Richmond. When these were read the subject of peace was entered on. What my memory retains of the discourse amounts to little more than this, that after mutual declarations of the good disposition of the two Courts, Mr. Grenville having intimated that in case England gave America independence, France, it was expected, would restore the conquests she had made of British Islands, receiving back those of Miquelon and St. Pierre. And the original object of the war being obtained, it was supposed that France would be contented with that. The minister seemed to smile at the proposed exchange. America, said he, does not ask it of you; there is Mr. Franklin, he will answer you as to that point. To be sure, I said, we do not consider ourselves as under any necessity of bargaining for a thing that is our own, which we have bought at the expence of much blood and treasure, and which we are in possession of. As to our being satisfied with the original object of the war, continued he, look back to the conduct of your nation in former wars. In the last war, for example, what was the object? It was the disputed right to some waste lands on the Ohio, and the frontier of Nova Scotia; did you content yourselves with the recovery of those lands? No, you retained at the peace all Canada, all Louisiana, all Florida, Grenada, and other West India islands, the greatest part of Northern Fisheries; with all your conquests in Africa and the East Indies. Something being mentioned of its not being reasonable that a nation, after making an unprovoked and unsuccessful war upon its neighbours, should expect

to sit down whole, and have every thing restored which she had lost in such a war, I think Mr. Grenville remarked that the war had been provoked by the encouragement given by France to the Americans to revolt. On which M. de Vergennes grew a little warm, and declared firmly, that the breach was made and our independence declared long before we received the least encouragement from France; and he defied the world to give the smallest proof of the contrary. There sits, said he, Mr. Franklin who knows the fact and can contradict me, if I do not speak the truth. He repeated to Mr. Grenville, what he had before said to Mr. Oswald, respecting the King's intention of treating fairly, and keeping faithfully the conventions he should enter into; of which disposition he should give at the treaty convincing proofs by the fidelity and exactitude with which he should observe his engagements with his present allies; and added that the points which the King had chiefly in view were *justice* and *dignity*; these he could not depart from. He acquainted Mr. Grenville that he should immediately write to Spain, and Holland, communicate to those Courts what had passed, and report their answers; that in the mean time he hoped Mr. Grenville would find means of amusing himself agreeably, to which he should be glad to contribute, that he would communicate what had passed to the King, and he invited him to come again the next day.

On our return Mr. G. expressed himself as not quite satisfied with some part of M. de Vergennes' discourse, and was thoughtful. He told me that he had brought two state messengers with him, and perhaps after he had had another interview with the minister, he might dispatch one of them to London: I then requested leave to answer by

that opportunity the letters I had received from Lord Shelburne and Mr. Fox; and he kindly promised to acquaint me the time of the messenger's departure. He did not ask me to go with him the next day to Versailles, and I did not offer it.

The coming and going of these gentlemen was observed, and made much talk at Paris; and the Marquis de la Fayette having learned something of their business from the ministers, discoursed with me about it. Agreeable to the resolutions of Congress directing me to confer with him, and take his assistance in our affairs, I communicated to him what had passed. He told me that, during the treaty at Paris for the last peace, the Duke de Nivernois had been sent to reside in London, that this Court might through him state what was from time to time transacted in the light they thought best, to prevent misrepresentations and misunderstandings. That such an employ would be extremely agreeable to him on many accounts; that as he was now an American citizen, spoke both languages, and was well acquainted with our interests, he believed he might be useful in it; and that as peace was likely from appearances to take place, his return to America was perhaps not so immediately necessary. He then wished I would make him acquainted with Messrs. Oswald and Grenville, and for that end promised meeting them at breakfast with me, which I proposed to contrive if I could, and endeavour to engage them for Saturday.

Friday morning the 10th of May, I went to Paris and visited Mr. Oswald. I found him in the same friendly dispositions, and very desirous of doing good, and of seeing an end put to this ruinous war. But I got no farther light as to the sentiments of Lord S. respecting the terms.

I told him the Marquis de la Fayette would breakfast with me to-morrow, and as he, Mr. Oswald, might have some curiosity to see a person, who had in this war rendered himself so remarkable, I proposed his doing me the same honour. He agreed to it cheerfully. I came home intending to write to Mr. Grenville, whom I supposed might stay and dine at Versailles, and therefore did not call on him. But he was returned, and I found the following note from him.

Paris, May 10.

"Mr. Grenville presents his compliments to Mr. Franklin: he proposes sending a courier to England, at 10 o'clock this night, and will give him in charge any letters Mr. Franklin may wish to send by him."

I sat down immediately and wrote the two short letters following, to the Secretaries of State.

To the Right Hon. C. J. Fox, Esq.

Secretary of State.

Sir, *Passy, May* 10, 1782.

I received the letter you did me the honour of writing to me by Mr. Grenville, whom I find to be a very sensible, judicious, and amiable gentleman. The name, I assure you, does not with me lessen the regard that his excellent qualities inspire. I introduced him as soon as possible to M. de Vergennes; he will himself give you an account of his reception. I hope his coming may forward the blessed work of pacification, in which for the sake of humanity no time should be lost; no reasonable cause, as you observe, existing at present, for the

continuance of this abominable war. Be assured of my endeavours to put an end to it. I am much flattered by the good opinion of a person whom I have long highly esteemed, and I hope it will not be lessened by my conduct in the affairs that have given rise to our correspondence. With great respect, I have the honour to be, Sir, &c. &c. B. FRANKLIN.

To LORD SHELBURNE.

MY LORD, *Passy, May* 10, 1782.

I have received the honour of your Lordship's letter dated the 28th past, by Mr. Oswald, informing me that he is sent back to settle with me the preliminaries of time and place. Paris, as the place, seemed to me yesterday to be agreed on between Mr. Grenville and M. de Vergennes, and it is perfectly agreeable to me. The time cannot well be settled till this court has received answers from Madrid and the Hague, and until my colleagues are arrived. I expect daily Messrs. Jay and Laurens: Mr. Adams doubts whether he can be here, but that will not hinder our proceeding.

It gave me great pleasure to hear that Mr. Laurens is discharged entirely from the obligations he had entered into. I am much obliged by the readiness with which your Lordship has conferred that favour. Please to accept my thankful acknowledgments.

I am happy too in understanding from your letter, that transports are actually preparing to convey our prisoners to America, and that attention will be paid to their accommodation and good treatment. Those people on their return will be dispersed through every part of America,

and the accounts they will have to give of any marks of kindness received by them under the *present* ministry, will lessen much the resentment of their friends against the nation for the hardships they suffered under the *past*.

Mr. Oswald rests here awhile by my advice, as I think his presence likely to be useful. With great and sincere respect, I have the honour to be, my Lord, your Lordship's, &c. &c. B. FRANKLIN.

And I sent them to Mr. Grenville with the following note.

"Mr. Franklin presents his compliments to Mr. Grenville, with thanks for the information of his courier's departure, and his kind offer of forwarding Mr. F.'s letters, who accepts the favour, and encloses two.

The Marquis de la Fayette and Mr. Oswald will do Mr. Franklin the honour of breakfasting with him to-morrow between 9 and 10 o'clock. Mr. Franklin will be happy to have the company also of Mr. Grenville, if agreeable to him. He should have waited on Mr. Grenville to-day at Paris, but he imagined Mr. G. was at Versailles.

Passy, Friday evening, May 10."

To which Mr. G. sent me this answer.

"Mr. Grenville presents his compliments to Mr. Franklin, and will with great pleasure do himself the honour of breakfasting with Mr. Franklin to-morrow between 9 and 10 o'clock.

Mr. Grenville was at Versailles to-day, and should

have been sorry that Mr. Franklin should have given himself the trouble of calling at Paris this morning. The courier shall certainly take particular care of Mr. Franklin's letters.

Paris, Friday evening."

The gentlemen all met accordingly, had a good deal of conversation at and after breakfast, staid till after one o'clock, and parted much pleased with each other.

The Monday following I called to visit Mr. G. and found him with Mr. Oswald, who told me, he was just about returning to London. I was a little surprized at the suddenness of the resolution he had taken, it being as he said to set out the next morning early. I conceived the gentlemen were engaged in business, so I withdrew, and went to write a few letters, among which was the following to Lord Shelburne, being really concerned at the thought of losing so good a man as Mr. Oswald.

To Lord Shelburne.

My Lord, *Passy, May* 13, 1782.

I did myself the honour of writing to your Lordship a few days since by Mr. Grenville's courier, acknowledging the receipt of yours of the 28th past by Mr. Oswald. I then hoped that gentleman would have remained here some time, but his affairs it seems recal him sooner than he imagined. I hope he will return again, as I esteem him more, the more I am acquainted with him, and believe his moderation, prudent counsels, and sound judgment may contribute much, not only to the speedy conclusion of a peace, but to the framing such a

peace as may be firm and long-lasting. With great respect, I am, your Lordship's most obedient and most humble servant, B. FRANKLIN.

I went in the evening to Mr. Oswald's lodging with my letters; when he informed me his intention was to return immediately hither from England; and to make the more dispatch in going and returning, he should leave his carriage at Calais, as the embarking and debarking of carriages in the packet-boats often occasioned a tide's delay. I did not enquire the reason of this movement. We had but little conversation, for Mr. Grenville coming in, I soon after wished him a good journey and retired, that I might not interrupt their consultations.

Since his departure Mr. Grenville has made me a visit; and entering into a conversation with me, exactly of the same tenor with the letters I formerly received from Mr. Hartley, stating suppositions that France might insist on points totally different from what had been the object of our alliance, and that in such case he should imagine we were not at all bound to continue the war to obtain such points for her, &c. I thought I could not give him a better answer to this kind of discourse than what I had given in two letters to Mr. Hartley, and therefore calling for those letters I read them to him. He smiled, and would have turned the conversation: but I gave a little more of my sentiments on the general subject of benefits, obligation, and gratitude. I said I thought people had often imperfect notions of their duty on those points, and that a state of obligation was to many so uneasy a state, that they became ingenious in finding out reasons and arguments to prove they had been laid under no obligation

at all, or that they had discharged it: and they too easily satisfied themselves with such arguments. To explain clearly my ideas on the subject, I stated a case. A. a stranger to B. sees him about to be imprisoned for debt by a merciless creditor. He lends him the sum necessary to preserve his liberty. B. then becomes the debtor of A. and after some time repays the money. Has he then discharged the obligation? No. He has discharged the money debt, but the obligation remains, and he is debtor for the kindness of A. in lending the same so seasonably. If B. should afterwards find A. in the same circumstances, that he, B., had been in when A. lent him the money, he may then discharge this obligation or debt of kindness *in part* by lending him an equal sum. *In part*, I said, and not *wholly*, because when A. lent B. the money, there had been no prior benefit received to induce him to it. And therefore, if A. should a second time need the same assistance, I thought B., if in his power, was in duty bound to afford it to him. Mr. Grenville conceived that I was carrying gratitude very far, to apply this doctrine to our situation in respect to France; who was really the party served and obliged by our separation from England, as it lessened the power of her rival and increased her own. I told him I was so strongly impressed with the kind assistance afforded us by France in our distress, and the generous and noble manner in which it was granted without exacting or stipulating for a single privilege or particular advantage to herself in our commerce or otherwise; that I could never suffer myself to think of such reasonings for lessening the obligation, and I hoped, and indeed did not doubt, but my countrymen were all of the same sentiments. Thus he gained nothing of the point he came to

push; we parted however in good humour. His conversation is always polite and his manner pleasing.

As he expressed a strong desire to discourse with me on the means of a reconciliation with America, I promised to consider the subject, and appointed Saturday the 1st of June, for our conversation, when he proposed to call on me.

The same day I received another letter from my old friend Mr. Hartley. Our former correspondence on the subject of peace since the beginning of this year, I have kept by itself, as it preceded this, was in the time of the old ministry, and consisted wholly of letters unmixed with personal conversation. This being the first letter from him under the new ministry, and as it may be followed by others which may relate to the negociation, I insert it here, with my answer, and shall continue to insert the future letters I may receive from him relative to the same subject.

To Dr. Franklin.

My dear Friend, *London, May* 3, 1782.

I write to you only one line, just to inform you that a general order is issued, by our government, for the release of all the American prisoners every where. I have had this from Lord Shelburne, who informed me that the order was not partial or conditional, but general and absolute. I heartily congratulate you upon this first step towards *sweet reconciliation*. I hope other things will follow. I have had a long conversation with Lord Shelburne, relating to America, in which he expressed himself in most favorable terms. I shall have the honour of seeing

and conversing with him again. But, at present, as you know, certain matters are depending from your side of the water. Mr. Laurens is entirely at liberty. I see him very frequently, and when you see him he will tell you many things from me, which have occurred to me in the course of my poor endeavours to promote the cause of peace. *Da pacem, Domine, in diebus nostris.* Your affectionate, &c. D. HARTLEY.

To DAVID HARTLEY, ESQ. M. P.

MY DEAR FRIEND, *Passy, May* 13, 1782.

I have just received your favour of the 3rd instant. I thank you much for the good news you give me, that "an order is issued by your government for the release of all the American prisoners *every where*, an order not *partial* or *conditional*, but *general* and absolute." I I rejoice with you in this step not only on account of the unhappy captives, who by it will be set at liberty, and restored to their friends and families, but as I think it will tend greatly towards a reconciliation, on which alone the hope of a durable peace can be founded. I am much indebted to your good brother, for a very kind and obliging letter, which was mislaid when it should have been answered. I beg you would present to him my thankful acknowledgments, and my very sincere respects. I join with you most heartily in the prayer that ends your letter, *Da pacem, Domine, in diebus nostris!* I am ever, my friend, yours most affectionately, B. FRANKLIN.

Our business standing still at present till the return of Mr. Oswald, gives me a void that I may fill up with two

or three circumstances, not at present connected with this intended treaty, but which serve to show something of the disposition of courts, who have, or may have, a concern in it.

Mr. Jay had written to me from time to time of the unaccountable delays he had met with since his residence at the court of Spain, and that he was now no nearer in the business he had been charged with than when he first arrived. Upon the first coming of Mr. Oswald, and the apparent prospect of a treaty, I wrote to press his coming hither, and being a little out of humour with that court, I said, they have taken four years to consider whether they should treat with us, give them forty, and let us mind our own business; and I sent the letter under cover to a person at Madrid, who I hoped would open and read it. It seems to me that we have in most instances hurt our credit and importance, by sending all over Europe begging alliances, and soliciting declarations of our independence. The nations, perhaps, thence seem to think, that our independence is something they have to sell, and that we do not offer enough for it. Mr. Adams has succeeded in Holland, owing to their war with England, and a good deal to the late votes in the Commons towards a reconciliation; but the ministers of the other powers refused, as I hear, to return his visits, because our independence was not yet acknowledged by their courts. I had heard here by good luck, that the same resolution was taken by several of them not to return the visits I should make them (as they supposed) when I was first received here as Minister Plenipotentiary, and I disappointed their project by visiting none of them. In my private opinion the first civility is due from the old resident to the stranger and

new comer. My opinion indeed is good for nothing against custom, which I should have obeyed, but for the circumstances, that rendered it more prudent to avoid disputes and affronts, though at the hazard of being thought rude or singular. While I am writing, something ridiculous enough on this head has happened to me. The Comte du Nord, who is son to the Empress of Russia, arriving at Paris, ordered, it seems, cards of visit to be sent to all the foreign ministers. One of them, on which was written Le Comte du Nord et le Prince Bariatinski, was brought to me. It was on Monday evening last. Being at court the next day I enquired of an old minister, my friend, what was the etiquette, and whether the Comte received visits. The answer was, *Non. On se fait écrire. Voilà tout.* This is done here by passing the door, and ordering your name to be written in the porter's book. Accordingly, on Wednesday I passed the house of Prince Bariatinski, ambassador of Russia, where the Comte lodged, and left my name on the list of each. I thought no more of the matter. But this day, May 24, comes the servant who brought the card, and in a great affliction, saying he was like to be ruined by his mistake in bringing the card here, and wishing to obtain from me some paper of I know not what kind, for I did not see him. In the afternoon came my friend, Mr. Le Roy, who is also a friend of the Prince's, telling me how much he, the Prince, was concerned at the accident; that both himself and the Comte had great personal regard for me, and my character, but that our independence not yet being acknowledged by the court of Russia, it was impossible for him to permit himself to make me a visit as minister. I told Mr. Le Roy it was not my custom to seek such

honours, though I was very sensible of them when conferred upon me; that I should not have voluntarily intruded a visit; and that in this case I had only done what I was informed the etiquette required of me. But if it would be attended with any inconvenience to Prince Bariatinski, whom I much esteemed and respected, I thought the remedy was easy; he had only to raze my name out of his book of visits received, and I would burn their card.

All the northern princes are not ashamed of a little civility committed towards an American. The King of Denmark travelling in England under an assumed name, sent me a card expressing in strong terms his esteem for me, and inviting me to dinner with him at St. James's. And the ambassador from the King of Sweden lately asked me whether I had powers to make a treaty of commerce with their kingdom, for he said his master was desirous of such a treaty with the United States, had directed him to ask me the question, and had charged him to tell me, that it would flatter him greatly to make it with a person whose character he so much esteemed, &c. Such compliments might probably make me a little proud, if we Americans were not naturally as much so already as the porter, who being told he had with his burthen jostled the great Czar Peter (then in London, walking the street) poh! said he, *we are all Czars here.*

I did not write by Mr. Oswald to Mr. Laurens, because from some expressions in his last to me, I expected him here, and I desired Mr. Oswald, if he found him still in London, or met him on the road, to give him that reason. I am disappointed in my expectation, for I have now received (May 25) the following letter from him.

SIR, *Ostend, May* 17, 1782.

I had the honour of addressing you under the 30th ultimo by post, a duplicate of which will accompany this in order to guard against the effect of a miscarriage in the first instance, and I beg leave to refer to the contents.

On the 10th current, and no sooner, your very obliging favour of the 20th preceding reached me in London. Being then on the point of leaving that place, I deferred a reply until my arrival on this side; this happened yesterday too late to catch the post of the day, except by a single letter, put into my hands, I believe, by Doctor Price, which I sent forward. I sincerely and heartily thank you, Sir, for the cordial contents of your last letter, but from the most mature reflection, and taking in consideration my present very infirm state of health, I have resolved to decline accepting the honour intended me by congress in the commission for treating with Great Britain, and I find the less difficulty in coming to this determination from a persuasion in my own mind that my assistance is not essential, and that it was not the view or expectation of our constituents that every one named in the commission should act. I purpose to repair to, or near to, Mr. Adams, and enquire of him whether I may yet be serviceable under the commission to which I had been first appointed, that for borrowing money for the use of the United States; if he speaks in the affirmative, I shall, though much against my own grain, as is well known at our little court, proceed in the mission with diligence and fidelity; otherwise I shall take a convenient opportunity of returning to give an account there, of having in the course of two years and upwards done nothing, excepting

only the making a great number of rebels in the enemy's country, and reconciling thousands to the doctrine of absolute and unlimited independence—a doctrine which I asserted and maintained with as much freedom in the Tower of London, as ever I had done in the State House at Philadelphia, and having contentedly submitted to the loss of my estate, and being ready to lay down my life in support of it, I had the satisfaction of perceiving the coming in of converts every day. I must not however conclude this head without assuring you, that should you think proper to ask questions respecting American commerce, or the interest of any particular state, I will answer with candour, and the best judgment I am possessed of, but of that judgment I sincerely protest I have the utmost diffidence. God prosper your proceedings in the great work; you shall be called blessed by all the grateful of the present generation, and your name will be celebrated by posterity. I feel myself happy in reflecting that in the great outlines for treaty our opinions exactly coincide, that we shall not want the countenance and assistance of our great and good ally, and that you have so honest a man as Mr. Oswald to deal with for preliminaries: I know him to be superior to all chicanery, and am sure he will not defile his mind by attempting any dirty thing.

I intreat you, Sir, to present my humble respects to M. de Vergennes, and thank his Excellency for his polite expressions respecting me, and be so good as to say all that shall appear necessary in excuse for my non-appearance at his court.

Lord Cornwallis called on me the day before I left London, and was, as you may suppose, very anxious to know when he might probably hear from me on the

subject of his release: let me therefore request your opinion in answer to what I had the honour of writing in my last concerning that affair. I wish it may prove satisfactory to his lordship, by enabling me, with your consent and concurrence, to cancel a debt which does not sit easy upon, and which cannot, with honour to our country, remain unpaid. I think we shall not, 'tis impossible we should, incur displeasure, by doing an act of common justice, and our authority may be fairly implied.

His lordship declares he has no intention of returning to America, but desires to be reinstated in his legislative and military characters in his own country, and I am of opinion that in the former station he will be rather friendly to us than otherwise: for my own part, if the war continues, I should not be uneasy if his lordship were to go to Chesapeke again.

I have a thousand compliments and good wishes to present to you from friends in England, where males and females I am sure you have at least so many, your own remembrance will lead you to individuals of your old acquaintance. To-morrow I intend to proceed for Brussels, and thence probably to the Hague and Amsterdam. My movements must unavoidably be as slow as water carriage. My weak under-limbs cannot bear continual thumping on the pavement in the rough machines of this country, and the feebleness of my pocket will not admit the indulgence of a more convenient vehicle. I beg, Sir, you will write to me at the house of Mr. Edmund Jennings, or under the protection of any other friend in that city, who will be at the trouble of finding out a voyageur who is at all times and in all places, with the highest esteem and respect, Sir, your obedient and most humble servant, HENRY LAURENS.

To the above I wrote the following answer.

To President Henry Laurens, Esq.

Sir, *Passy, May* 25, 1782.

I am now honoured with yours of the 17th. I had before received one of the 7th, which remained unanswered, because from the words in it, "when I reach the continent, which will probably happen in a few days," I flattered myself with the pleasure of seeing you here. That hope is disappointed by your last, in which you tell me you are determined not to act in the commission for treating of peace with Britain. I regret your taking this resolution; principally because I am persuaded your assistance must have been of great service to your country. But I have besides some private or particular reasons that relate to myself. To encourage me in the arduous task, you kindly tell me I shall be called *blessed, &c.* I have never yet known of a peace made, that did not occasion a great deal of popular discontent, clamour and censure on both sides. This is perhaps owing to the usual management of the ministers and leaders of the contending nations, who, to keep up the spirits of their people for continuing the war, generally represent the state of their own affairs in a better light, and that of the enemy in a worse, than is consistent with the truth: hence the populace on each side expect better terms than really can be obtained; and are apt to ascribe their disappointment to treachery. Thus the peace of Utrecht, and that of Aix la Chapelle were said in England to have been influenced by French gold, and in France by English guineas. Even the last peace, the most advantageous and glorious for England that ever she made, was, you may remember, violently de-

cried, and the makers as violently abused. So that the blessing promised to peace-makers, I fancy, relates to the next world, for in this they seem to have a greater chance of being cursed. And as another text observes that "*in the multitude of counsellors there is safety*," which I think may mean safety to the counsellors as well as to the counselled, because if they commit a fault in counselling, the blame does not fall on one or a few, but is divided among many, and the share of each is so much the lighter, or perhaps because when a number of honest men are concerned, the suspicion of their being biassed is weaker as being more improbable; or because *defendit numerus;* for all these reasons, but especially for the support your established character of integrity would afford me against the attacks of my enemies, if this treaty takes place, and I am to act in it, I wish for your presence, and for the presence of as many of the commissioners as possible, and I hope you will re-consider and change your resolution. In the mean time, as you have had opportunities of conversing with the new ministers, and other leading people in England, and of learning their sentiments relating to terms of peace, &c., I request you would inform me by letters of what you think important. Letters from you will come safer by the court courier than by the post; and I desire you would, if you should determine not to act, communicate to me your ideas of the terms to be insisted on, and the points to be attended to, respecting commerce, fisheries, boundaries, &c., every other material circumstance, that may be of importance to all or any of the United States.

Lord Shelburne having written to me on the subject of the wished for peace, I acquainted him in my answer sent by our friend, Mr. Oswald, that you were one of the com-

missioners appointed by Congress, to treat with Britain, and that I imagined his Lordship would therefore think it proper to discharge you entirely from the obligations you entered into when you were admitted to bail, that you might be at liberty to act freely in the commission. He wrote to me in reply that you were accordingly discharged immediately. His lordship mentioned nothing of any exchange being expected for you; nevertheless I honour your sensibility on the point, and your concern for the credit of America, that she should not be outdone in generosity by Britain, and will cheerfully join with you in any act that you may think proper to discharge in return for the parole of Lord Cornwallis, as far as in our power may lie; but as we have no express authority for that purpose, and the Congress may possibly in the mean time have made some other arrangement relative to his exchange, I conceive that our act should contain a clause reserving to Congress the final approbation or disallowance of the proceeding. And I have some doubt whether Lord Cornwallis will think himself well freed from his engagement and at liberty to exercise his military employments, by virtue of any concessions in his favour, made by persons who are not vested with authority for that purpose. So that on the whole perhaps the best and surest way will be our writing immediately to Congress, and strongly recommending the measure. However, I will do what you shall think best.

I heartily wish you success in any endeavours you may use in Holland for raising a loan of money. We have pressed rather hard on this court, and we still want more than they can conveniently spare us. But I am sorry that too scrupulous a regard to our wants and difficulties should

induce you under the present infirmity of your lower limbs, to deny yourself the necessary comfort of an easy carriage, rather than make any use of the public assistance, when the public must be in your debt. I beg you would get over that difficulty and take of me what you may have occasion for.

The letter you forwarded to me, was from America's constant friend the good Bishop of St. Asaph. He speaks of you in terms of the highest esteem and respect.

Mr. Oswald is gone back to London, but intended to return immediately. Mr. Grenville remains here, and has received power to treat, but no farther steps can be taken till Spain and Holland have impowered ministers for the same purpose. I shall inform you and Mr. Adams (if he does not come) of the proceedings from time to time, and request your counsels in case of any difficulty.

I hope you will not think of hazarding a return to America, before a peace, if we find any hopes of its being soon obtained. And that if you do not find you can be useful in the manner you wish in Holland you will make me happy by your company and counsels here.

With great and sincere esteem, I have the honour to be, Sir, &c. &c. B. FRANKLIN.

May 26, I received the following from Mr. Hartley.

FROM DAVID HARTLEY, ESQ. M. P. TO DR. FRANKLIN.

MY DEAR FRIEND, *London, May* 13, 1782.

I writ to you a long letter dated May 1, 1782, by Mr. Laurens who left London on Saturday last, but I will add a few lines now by a conveyance which will I be-

lieve overtake him, just to tell you two or three things which I believe I omitted in my last. Perhaps they may not be of any consequence, but as they relate to my own conduct I would wish to have you understand them. After several conferences with the late ministry I gave in the paper called the breviate on the 7th of February; but I never received any answer from them. They resigned on the 20th of March. Upon the accession of the new ministry I heard nothing from them upon the subject; nor did I apply to them. I did not know whether that paper would not come into their hands by succession, and I doubted whether it might not be more proper for me to wait till I heard from them. While I remained doubtful about this, I received your letters which determined me to go to Lord Shelburne. (This was about the beginning of the present month.) I communicated to him some extracts such as those about the prisoners, &c., and likewise the whole of your letter of the 13th of April, containing the offer of the late ministry, the King of France's answer, together with your reflections on the conclusion respecting peace. As you had given me a general permission I left with him a copy of the whole letter. Upon the occasion of this interview Lord Shelburne told me that he had made much enquiry in the offices for the correspondences and papers which had passed between the late ministry and me, but that he could not meet with them. He expressed a regret that he had not conversed with me at an earlier day; with many civilities of that kind. In short I had been backward to intrude myself, and he expressed regret that he had not sent to me. Upon this opening on his part, I stated to him the substance of what had passed between the late ministry and myself, and I left a copy of the *Bre-*

viate with him. He gave me a very attentive audience, and I took that opportunity of stating my sentiments to him, as far as I could, upon every view of the question. Upon his expressing regret that he had not seen me sooner, I told him that I always had been, and always should be, most ready to give any assistance in my power towards the work of peace. I say the same to you. I do not believe that there is any difference in sentiment between you and me *personally*, in our own minds upon independence, &c. &c. But we belong to different communities, and the right of judgment or of consent and dissent is vested in the community. Divide independence into six millions of shares, and you should have been heartily welcome to *my* share from the very beginning of the war. Divide Canada into six millions of shares, I could find a better method of disposing of *my* share, than by offering it to France to abandon America. Divide the rock of Gibraltar into six millions of pieces, I can only answer for one portion. Let reason and equity decide in any such case, as universal umpires between contending parties, and those who wish well to the permanent peace of mankind, will not refuse to give and to receive equal justice.

I agree with you, that the equitable and philosophical principles of politics can alone form a solid foundation of permanent peace, and that the contraries to them, though highly patronized by nations themselves, and their ministers, are no better than vulgar errors. But nations are slow to conviction from the personal arguments of individuals. They are "jealous in honour, seeking that *bubble reputation* even in the cannon's mouth." But until a confirmed Millennium founded upon wiser principles shall be generally established, the reputation of nations is not

merely a bubble. It forms their real security. To apply this all in one word, let all nations agree with one accord to beat their swords into plough-shares, and their spears into pruning hooks—or—give me wooden walls to Great Britain. I have nothing farther to add. My reason for writing this was just to communicate to you, in what position I had delivered over my conference and arguments with the late ministry into the hands of the present. And I will conclude with your own words: may God send us all more wisdom. I am ever most affectionately yours,

D. HARTLEY.

P. S. "May 17, 1782. Since writing the above, I have likewise left a copy of the enclosed preliminaries with Lord Shelburne."

May, 1782.

PRELIMINARIES.

1. "That the British troops shall be withdrawn from the thirteen provinces of North America, and a truce made between Great Britain and the said provinces, for years. (Suppose ten or twenty years.)

2. "That a negociation for peace shall *bonâ fide* be opened between Great Britain and the allies of America.

3 "If the proposed negociation between Great Britain and the allies of America, should not succeed so far as to produce peace, but that war should continue between the said parties, that America should act and be treated as a neutral nation.

4. "That whenever peace shall take place between Great Britain and the allies of America, the truce between Great

Britain and America shall be converted into a perpetual peace. The independence of America shall be admitted and guaranteed by Great Britain, and a commercial treaty settled between them.

5. "That these propositions shall be made to the court of France for communication to the American commissioners, and for an answer to the court of Great Britain."

The same day Mr. Grenville visited me. He acquainted me that his courier was returned, and had brought him full powers to treat for a peace *with France and her allies.* That he had been to Versailles and had shown his power to M. de Vergennes, and left a copy with him. That he had also a letter of credence which he was not to deliver 'till France should think fit to send a minister of the same kind to London; that M. de Vergennes had told him he would lay it before the King, and had desired to see him again on Wednesday. That Mr. Oswald had arrived in London about an hour before the courier came away. That Mr. Fox in his letter had charged him to thank me for that which I had written, and to tell me he hoped I would never forget that he and I were of the same country. I answered that I should always esteem it an honour to be owned as a countryman by Mr. Fox. He had requested at our last interview that if I saw no impropriety in doing it, I would favor him with a sight of the treaty of alliance between France and America. I acquainted him that it was printed, but if he could not readily meet with a copy, I would have one written for him. And as he had not been able to find one, I this day gave it to him. He lent me a London Gazette, containing Admiral Rodney's account of his victory over M. de Grasse,

and the accounts of other successes in the East Indies, assuring me however that those events made not the least change in the sincere desire of his court to treat for peace.

In the afternoon the Marquis de la Fayette called upon me. I acquainted him with what Mr. Grenville had told me respecting his confidential letter, and the expectation that a person on the part of this court would be sent to London with a commission similar to his. The Marquis told me that he was on his way to Versailles, and should see M. de Vergennes. We concluded that it would now be proper for him to make the proposition we had before talked of, that he should be the person employed in that service.

On Monday the 27th I received a letter from Mr. Jay dated the 8th, acquainting me, that he had received mine of the 21st and 22d past, and had concluded to set out for Paris about the 19th, so that he may be expected in a few days.

I dined this day with Count d'Estaing, and a number of brave marine officers that he had invited. We were all a little dejected and chagrined with the news. I mentioned by way of encouragement the observation of the Turkish Bashaw who was taken with his fleet at Lepanto by the Venetians. "Ships," says he, "are like my master's beard, you may cut it, but it will grow again. He has cut off from your government all the Morea, which is like a limb that you will never recover." And his words proved true.

On Tuesday I dined at Versailles with some friends, so was not at home when the Marquis de la Fayette called to acquaint me, that M. de V. informed him that the full

power received by Mr. Grenville from London, related to France only. The Marquis left for me this information, which I could not understand.

On Wednesday I was at court and saw the copy of the power. It appeared full with regard to treating with France, but mentioned not a word of her allies. And as M. de Vergennes had explicitly and constantly from the beginning declared to the several messengers, Mr. Forth, Mr. Oswald, and Mr. Grenville, that France could only treat in concert with her allies, and it had in consequence been declared on the part of the British ministry, that they consented to treat for a general peace, and at Paris, the sending this partial power appeared to be invidious, and a mere invention to occasion delay, the late disaster to the French fleet having probably given the court of England fresh courage, and other views. M. de Vergennes said he should see Mr. Grenville on Thursday, and would speak his mind to him on the subject very plainly. "They want," says he, "to treat with us for you; but this the King will not agree to. He thinks it not consistent with the dignity of your state. You will treat for yourselves: and every one of the powers at war with England will make its own treaty. All that is necessary to be observed for our common security is, that the treaties go hand in hand, and are signed all on the same day."

Prince Bariatinski, the Russian ambassador, was particularly civil to me this day at court; apologized for what had passed relating to the visit, expressed himself extremely sensible of my friendship in covering the affair, which might have occasioned to him very disagreeable consequences, &c. The Comte du Nord came to M. de Vergennes's while we were taking coffee after dinner.

He appears lively and active. There was an opera at night for his entertainment. The house being richly finished with abundance of carving and gilding, well illuminated with wax tapers, and the company all superbly dressed, many of the men in cloth of tissue, and the ladies sparkling with diamonds, formed altogether the most splendid spectacle my eyes ever beheld.

I had some little conference to-day with M. M. Berkenrode, Vanderpierre, and Boeris, the ambassadors of Holland, and the agents of the Dutch East India Company. They informed me that the second letter of Mr. Fox to the mediating minister of Russia, proposing a separate peace with Holland, made no more impression than the first, and no peace would be made but in concurrence with France.

The Swedish minister told me, he expected orders from his court relative to a treaty, &c.

I had at our last interview given Mr. Grenville a rendezvous for Saturday morning, and having some other engagements for Thursday and Friday, though I wished to speak with him on the subject of his power, I did not go to him, but waited his coming to me on Saturday. On Friday May 31, Mr. Oswald called on me, being just returned, and brought me the following letter from D. Hartley, Esq. and two letters from Lord Shelburne, the first of which had been written before Mr. O.'s arrival in London.

FROM DAVID HARTLEY, ESQ. M. P. TO DR. FRANKLIN.

MY DEAR FRIEND, *London, May* 25, 1782.

Yours of the 13th instant I received by Mr. Oswald. I did not doubt but that the news of a general

and absolute release of the American prisoners which Lord Shelburne was so good to communicate to me, in answer to that part of your letter of the 5th of April, in which you speak so pathetically of *sweet reconciliation*, would give you much sincere and heartfelt pleasure. God send that it may be the happy omen of final *reconciliation* and *durable peace*. I should be very happy to hear that good news from you, and in any way to contribute to it. Having on that subject communicated the preliminaries dated May, 1782,[1] to Lord Shelburne, you may be assured that I have no reservations upon that head respecting America, in any circumstances or condition whatever. You know all my thoughts upon that subject, and the principles upon which they are founded, and therefore that they are not changeable.

It would give me the greatest pleasure if I could hope for any opportunity of seeing you. I could say many things which are otherwise incommunicable, and which perhaps would contribute to facilitate the road to peace. I think I see, in many parts, much matter to work with, out of which a peace, honourable to all parties, and upon durable principles, might be established.—*No degrading or mortifying conditions, to shorten peace and rekindle war.* Perhaps I might not say too much if I were to add that simply the adoption of *reason* among nations, and the mere rectification of obsolete and gothic absurdities, which carry no gratification, would afford a fund of remuneration to all parties for renouncing those objects of mutual contention, which, *in the eye of reason*, are no better than creatures of passion, jealousy and false pride. Until the

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[1] See P. S. to D. Hartley's Letter of May 17, 1782.

principles of *reason* and equity shall be adopted in national transactions, peace will not be durable amongst men.

These are reflections general to all nations. As to the mutual concerns between G. B. and N. A.,[1] *reconciliation* is the touch-stone to prove those hearts which are without alloy. If I can be of any assistance to you in any communications or explanations conducive to peace, you may command my utmost services. Even if a French minister were to overhear such an offer, let him not take it in jealous part. Zealously and affectionately attached to my own country and to America, I am nevertheless most perfectly of accord with you, that justice and honour should be observed towards all nations. Mr. Oswald will do me the favour to convey this to you. I heartily wish him success in his pacific embassy. Yours ever most affectionately, G. B.

FROM LORD SHELBURNE, TO B. FRANKLIN, ESQ.

SIR, *Whitehall, May* 21, 1782.

I am honoured with your letter of the 11th instant, and am very glad to find, that the conduct which the king has empowered me to observe towards Mr. Laurens and the American prisoners, has given you pleasure.

I have signified to Mr. Oswald his Majesty's pleasure, that he shall continue at Paris till he receives orders from hence to return.

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[1] Initials for *Great Britain*, and *North America*, and sometimes used as signatures by Mr. Hartley and Dr. Franklin in their correspondence.

In the present state of this business there is nothing left for me to add but my sincere wishes for a happy issue, and to repeat my assurances, that nothing shall be wanting on my part, which can contribute to it.

I have the honour to be, with very great regard, Sir, your most obedient humble servant, SHELBURNE.

FROM LORD SHELBURNE TO B. FRANKLIN, ESQ.

SIR, *Whitehall, May* 26, 1782.

I have the honour to receive your letter of the 13th May by Mr. Oswald.

It gives me great pleasure to find my opinion of the moderation, prudence, and judgment of that gentleman, confirmed by your concurrence. For I am glad to assure you, that we likewise concur in hoping that those qualities may enable him to contribute to the speedy conclusion of a peace, and such a peace as may be firm and long lasting. In that hope he has the king's orders to return immediately to Paris, and you will find him, I trust, properly instructed to co-operate to so desirable an object.

I have the honour to be, with very sincere respect and esteem, dear Sir, your most obedient, humble servant,

SHELBURNE.

I had not then time to converse with Mr. Oswald, and he promised to come and breakfast with me on Monday.

Saturday, June 1st, Mr. Grenville came according to appointment. Our conversation began by my acquainting him that I had seen M. de Vergennes, and had perused the copy left with him of the power to treat. That after what Mr. Grenville had told me, of its being to treat with

France *and her allies*, I was a little surprized to find in it no mention of the allies, and that it was only to treat with the king of France and his ministers: that at Versailles there was some suspicion of its being intended to occasion delay, the professed desire of speedy peace being perhaps abated in the British court since its late successes; but that I imagined the words relating to the allies might have been accidentally omitted in transcribing, or that perhaps he had a special power to treat with us distinct from the other. He answered, that the copy was right, and that he had no such special power in form, but that his instructions were full to that purpose, and that he was sure the ministers had no desire of delay, nor any of excluding us from the treaty, since the greatest part of those instructions related to treating with me. That to convince me of the sincerity of his court respecting us, he would acquaint me with one of his instructions, though perhaps the doing it now was premature, and therefore a little inconsistent with the character of a politician, but he had that confidence in me, that he should not hesitate to inform me, (though he wished that at present it should go no farther) he was instructed to acknowledge the independence of America, previous to the commencement of the treaty. And he said, he could only account for the omission of America in the power, by supposing that it was an old official form copied from that given to Mr. Stanley when he came over hither before the last peace. Mr. Grenville added, that he had, immediately after his interview with M. de Vergennes, dispatched a courier to London, and hoped that with his return the difficulty would be removed. That he was perfectly assured their late success had made no change in the disposition of his court to peace; and

that he had more reason than M. de Vergennes to complain of delay, since five days were spent before he could obtain a passport for his courier, and then it was not to go and return by way of Calais, but to go by Ostend, which would occasion a delay of five days longer. Mr. Grenville then spoke much of the high opinion the present ministry had of me, and their great esteem for me; their desire of a perfect reconciliation between the two countries, and the firm and general belief in England, that no man was so capable as myself of proposing the proper means of bringing about such a reconciliation; adding, that if the old ministers had formerly been too little attentive to my counsels, the present were very differently disposed, and he hoped that in treating with them I would totally forget their predecessors. The time has been when such flattering language from great men, might have made me vainer, and had more effect on my conduct than it can at present, when I find myself so near the end of life, as to esteem lightly all personal interests and concerns, except that of maintaining to the last, and leaving behind me, the tolerably good character I have hitherto supported.

Mr. G. then discoursed of our resolution not to treat without our allies. This, says he, can properly only relate to France, with whom you have a treaty of alliance, but you have none with Spain, you have none with Holland. If Spain and Holland, and even if France should insist on unreasonable terms of advantage to themselves, after you have obtained all you want, and are satisfied, can it be right that America should be dragged on in a war of their interests only? He stated this matter in various lights, and pressed it earnestly. I resolved from various reasons to

evade the discussion, therefore answered, that the intended treaty not being yet begun, it appeared unnecessary to enter at present into considerations of that kind. The preliminaries being once settled and the treaty commenced, if any of the other powers should make extravagant demands on England, and insist on our continuing the war till those were complied with, it would then be time enough for us to consider what our obligations were, and how far they extended. The first thing necessary was for him to procure the full powers, the next for us to assemble the plenipotentiaries of all the belligerent parties, and then propositions might be mutually made, received, considered, answered, or agreed to. In the mean time I would just mention to him, that though we were yet under no obligations to Spain by treaty, we were under obligations of gratitude for the assistance she had afforded us; and as Mr. Adams had some weeks since commenced a treaty in Holland, the terms of which I was not yet acquainted with, I knew not but that we might have already some alliance and obligations contracted there. And perhaps we ought however to have some consideration for Holland on this account; that it was in vengeance for the friendly disposition shown by some of her people to make a treaty of commerce with us, that England had declared the war against her. He said, it would be hard upon England, if having given reasonable satisfaction to one or two of her four enemies, she could not have peace with those till she had complied with whatever the others might demand, however unreasonable; for so she might be obliged to pay for every article four-fold. I observed that when she made her propositions, the more advantageous they were to each, the more it would be the interest of

each to prevail with the others to accept those offered to them. We then spoke of the reconciliation, but his full power not being yet come, I chose to defer entering upon that subject at present. I told him I had thoughts of putting down in writing the particulars that I judged would conduce to that end, and of adding my reasons; that this required a little time and I had been hindered by accidents, which was true, for I had begun to write, but had postponed it on account of his defective power to treat. But I promised to finish it as soon as possible. He pressed me earnestly to do it, saying, an expression of mine in a former conversation, that "there still remained *roots of good will* in America towards England, which if properly taken care of might produce a reconciliation," had made a great impression on his mind, and given him infinite pleasure, and he hoped I would not neglect furnishing him with the information of what would be necessary to nourish those roots, and could assure me, that my advice would be greatly regarded.

Mr. Grenville had shown me at our last interview a letter from the Duke of Richmond to him, requesting him to prevail with me, to disengage a Captain Macleod of the artillery from his parole, the Duke's brother, Lord George Lenox, being appointed to the command of Portsmouth, and desiring to have him as his aide-de-camp. I had promised to consider of it, and this morning I sent him the following letter.

SIR, *Passy, May* 31, 1782.

I do not find that I have any express authority to absolve a parole given by an English officer in America. But desirous of complying with a request of

the Duke of Richmond as far as in my power, and being confident that the Congress will be pleased with whatever may oblige a personage they so much respect, I do hereby consent that Captain Macleod serve in his military capacity, in England only, till the pleasure of the Congress is known, to whom I will write immediately, and who I make no doubt will discharge him entirely. I have the honour to be, &c. &c. B. FRANKLIN.

America had been constantly befriended in parliament by the Duke of Richmond, and I believed the Congress would not be displeased that this opportunity was taken of obliging him, and that they would by their approbation supply the deficiency of my power. Besides, I could not well refuse it after what had passed between Mr. Laurens and me, and what I had promised to do for the satisfaction of that gentleman.

Sunday, June 2. The Marquis de la Fayette called and dined with me. He is uneasy about the delay, as he cannot resolve concerning his voyage to America, till some certainty appears of there being a treaty, or no treaty.

This day, I wrote the following letter to Mr. Adams.

SIR, *Passy, June 2, 1782.*

Since mine of May 8, I have not had any thing material to communicate to your Excellency. Mr. Grenville indeed arrived just after I had dispatched that letter, and I introduced him to M. de Vergennes; but as his mission seemed only a repetition of that by Mr. Oswald, the same declarations of the King of England's sincere desire of peace, and willingness to treat of a general pacification with all the powers at war, and to treat at

Paris, which were answered by the same declarations of the good dispositions of this court; and that it could not treat without the concurrence of its allies, I omitted writing till something should be produced from a kind of agreement, that M. de Vergennes would acquaint Spain and Holland of the overture, and that Mr. Grenville would write for full powers to treat and make propositions, &c. nothing of importance being in the mean time to be transacted.

Mr. Grenville accordingly dispatched a messenger for London, who returned in about twelve days. Mr. G. called on me after having been at Versailles, and acquainted me, that he had received the power, and had left a copy of it with M. de Vergennes, and that he was thereby authorized to treat with France and her *allies*. The next time I went to Versailles I desired to see that copy, and was surprized to find in it no mention of the allies of France or any one of them; and on speaking with M. de Vergennes about it, I found he began to look upon the whole as a piece of artifice to amuse us, and gain time, since he had uniformly declared to every agent who had appeared here, viz. to Forth, Oswald, and Grenville, that the King would not treat without the concurrence of his allies, and yet England had given a power to treat with France only, which showed that she did not intend to treat at all, but meant to continue the war. I had not till yesterday an opportunity of talking with Mr. Grenville on the subject, and expressing my wonder, after what he told me, that there should be no mention made of our states in his commission; he could not explain this to my satisfaction, but said he believed the omission was occasioned by their copying an old commission given to Mr. Stanley at the

last treaty of peace, for that he was sure the intention was, that he should treat with us, his instructions being fully to that purpose. I acquainted him that I thought a special commission was necessary, without which we could not treat with him. I imagine that there is a reluctance in their King to take this first step, as the giving such a commission would itself be a kind of acknowledgment of our independence; their late success against Count de Grasse may also have given them hopes that by delay, and more successes, they may make that acknowledgment and a peace less necessary.

Mr. Grenville has written to his court for farther instructions. We shall see what the return of his couriers will produce. If full power to treat with each of the powers at war against England does not appear, I imagine the negociation will be broken off.

Mr. G. in his conversations with me, insists much on our being under no engagements not to make peace without Holland. I have answered that I know not but you may have entered into some, and that if there should be none, a general pacification made at the same time, would be best for us all; and that I believe neither Holland nor We could be prevailed on to abandon our friends. What happens farther shall be immediately communicated. Be pleased to present my respects to Mr. Laurens, to whom I wrote some days since. Mr. Jay I suppose is on his way hither. With great respect, I have the honour to be, Sir, your Excellency's, &c. &c. &c. B. FRANKLIN.

On Monday the 3rd, Mr. Oswald came according to appointment. He told me he had seen and had conversations with Lord Shelburne, Lord Rockingham, and Mr.

Fox. That their desire of peace continued uniformly the same, though he thought some of them were a little too much elated with the late victory in the West Indies; and when observing his coolness they asked him, if he did not think it a very good thing; yes, says he, if you do not rate it too high. He went on with the utmost frankness to tell me, that the peace was absolutely necessary for them. That the nation had been foolishly involved in four wars, and would no longer raise money to carry them on, so that if they continued it would be absolutely necessary to stop payment of the interest money on the funds, which would ruin their future credit. He spoke of stopping on all sums above 1000*l.* and continuing to pay on those below; because the great sums belonged to the rich, who could better bear the delay of their interest; and the smaller sums to poorer persons, who would be more hurt, and make more clamour; and that the rich might be quieted by promising them interest upon their interest. All this looked as if the matter had been seriously thought on: Mr. Oswald has an air of great simplicity and honesty, yet I could hardly take this to be merely a weak confession of their deplorable state; and thought it might be intended as a kind of intimidation, by showing us that they had still that resource in their power, which he said would furnish five millions a year. But he added, our enemies may now do what they please with us, *they have the ball at their foot*, was his expression, and we hope they will show their moderation, and their magnanimity. He then repeatedly mentioned the great esteem the ministers had for me, that they with all the considerate people of England looked to and depended on me for the means of extricating the nation from its present desperate situation,

and that perhaps no single man had ever in his hands an opportunity of doing so much good, as I had at this present, with much more to that purpose: he then showed me a letter to him from Lord Shelburne, partly I suppose that I might see his Lordship's opinion of me, which, as it has some relation to the negociation, is here inserted. He left it with me, requesting that I would communicate it to Mr. Walpole.

SIR, *Whitehall, May* 21, 1782.

It has reached me that Mr. Walpole esteems himself much injured by your going to Paris, and that he conceives it was a measure of mine intended to take the present negociation with the court of France out of his hands, which he conceives to have been previously commenced through his channel by Mr. Fox. I must desire that you will have the goodness to call upon Mr. Walpole, and explain to him distinctly, how very little foundation there is for so unjust a suspicion, as I know of no such intercourse. Mr. Fox declares, he considered what had passed between him and Mr. Walpole of a mere private nature, not sufficiently material to mention to the King or the cabinet, and will write to Mr. Walpole to explain this distinctly to him.[1] But if you find the least suspicion of

[1] Since the publication of the first edition of this volume, a very intimate friend of Mr. Walpole's has suggested to the editor, that Lord Shelburne must have been misinformed in regard to Mr. W.'s thinking himself aggrieved by Mr. Oswald's mission. But that Mr. W. had been authorized by a letter from Mr. Fox to negociate respecting a claim made by the French government in behalf of the inhabitants of St. Eustatia, for a compensation for the merchandize, &c. of which they had been plundered by Ad-

this kind has reached Dr. Franklin, or M. le Comte de Vergennes, I desire this matter may be clearly explained to both. I have too much friendship for Dr. Franklin, and too much respect for the character of M. le Comte de Vergennes with which I am perfectly acquainted, to be so indifferent to the good opinion of either, as to suffer them to believe me capable of an intrigue, where I have both professed and observed a direct opposite conduct. In truth I hold it in such perfect contempt, that however proud I may be to serve the King in my present station or in any other, and however anxious I may be to serve my country, I should not hesitate a moment about retiring from any situation which required such services. But I must do the King the justice to say, that his Majesty abhors them, and I need not tell you, that it is my fixed principle that no country in any moment can be advantaged by them. I am, with great truth and regard, Sir, your most obedient humble servant, SHELBURNE.

Richard Oswald, Esq.

In speaking farther of the ministry's opinion of the great service it might be in my power to render, Mr. Oswald said he had told them in one of his conversations, that nothing was to be expected of me but consistence, nothing unsuitable to my character, or inconsistent with

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miral, afterwards Lord Rodney. That in Mr. Fox's letter (which this friend actually saw) there was a *general* intimation of a wish for peace, but that Mr. W. did not consider himself as authorized to take any step towards obtaining it; and that he is confident he did not expect to be employed for the purpose which occasioned Mr. Oswald's mission.

my duty to my country; I did not ask him the particular occasion of his saying this, but thought it looked a little as if something inconsistent with my duty had been talked of or proposed.

Mr. Oswald also gave me a copy of a paper of memorandums written by Lord Shelburne, viz.

1. That I am ready to correspond more particularly with Dr. Franklin if wished.

2. That the *enabling act* is passing with the insertion of commissioners recommended by Mr. Oswald, and on our part commissioners will be named, or any character given to Mr. Oswald, which Dr. Franklin and he may judge conducive to a final settlement of things between Great Britain and America. Which Dr. Franklin very properly says requires to be treated in a very different manner from the peace between Great Britain and France, who have been always at enmity with each other.

3. That an establishment for the loyalists must always be upon Mr. Oswald's mind, as it is uppermost in Lord Shelburne's, besides other steps in their favour, to influence the several States to agree to a fair restoration or compensation for whatever confiscations have taken place.

4. To give Lord Shelburne's letter about Mr. Walpole to Dr. Franklin.

On perusing this paper, I recollected that a bill had been some time since proposed in parliament *to enable his Majesty to conclude a peace or truce with the revolted Colonies in America*, which I supposed to be the *enabling* bill mentioned; that had hitherto slept, and not having been passed was perhaps the true reason why the colonies were not mentioned in Mr. Grenville's commission. Mr. Oswald thought it likely, and said that the words "inser-

tion of commissioners recommended by Mr. Oswald" related to his advising an express mention in the bill of the commissioners appointed by congress to treat of peace, instead of the vague denominations of *any person or persons*, &c. in the first draft of the bill. As to the loyalists, I repeated what I said to him when first here, that their estates had been confiscated by the laws made in the particular States where the delinquents had resided, and not by any law of congress, who indeed had no power either to make such laws, or to repeal them, or to dispense with them, and therefore could give no power to their commissioners to treat of a restoration for those people: that it was an affair appertaining to each State. That if there were justice in compensating them, it must be due from England rather than from America; but in my opinion, England was not under any very great obligations to them, since it was by their misrepresentations and bad counsels that she had been drawn into this miserable war. And that if an account was to be brought against us for their losses, we should more than balance it, by an account of the ravages they had committed all along the coasts of America. Mr. Oswald agreed to the reasonableness of all this, and said he had, before he came away, told the ministers, that he thought no recompence to those people was to be expected from us; that he had also, in consequence of our former conversation on that subject, given it as his opinion that Canada should be given up to the United States, as it would prevent the occasions of future difference, and as the government of such a country was worth nothing, and of no importance if they could have there a free commerce; that the Marquis of Rockingham and Lord Shelburne, though they spoke reservedly, did

not seem very averse to it: but that Mr. Fox seemed startled at the proposition. He was, however, not without hopes that it would be agreed to.

We now came to another article of the note, viz. "On our part commissioners will be named, or any character given to Mr. Oswald which Dr. Franklin and he may judge conducive to a final settlement of things between Great Britain and America." This he said was left entirely to me, for he had no will in the affair; he did not desire to be farther concerned than to see it *en train*; he had no personal views either of honour or profit. He had now seen and conversed with Mr. Grenville, thought him a very sensible young gentleman, and very capable of the business; he did not therefore see any farther occasion there was for himself; but if I thought otherwise, and conceived he might be farther useful, he was content to give his time and service in any character or manner I should think proper. I said his knowledge of America, where he had lived, and with every part of which and of its commerce and circumstances he was well acquainted, made me think that in persuading the ministry to things reasonable relating to that country, he could speak or write with more weight than Mr. Grenville, and therefore I wished him to continue in the service: and I asked him whether he would like to be joined in a general commission for treating with all the powers at war with England, or to have a special commission to himself for treating with America only: he said he did not chuse to be concerned in treating with the foreign powers, for he was not sufficiently a master of their affairs, or of the French language, which probably would be used in treating; if therefore he accepted of any commission it should be that of

treating with America. I told him I would write to Lord Shelburne on the subject, but Mr. Grenville having some time since dispatched a courier (partly on account of the commission,) who was not yet returned, I thought it well to wait a few days till we could see what answer he would bring, or what measures were taken; this he approved of. The truth is, he appears so good and so reasonable a man, that though I have no objection to Mr. Grenville, I should be loth to lose Mr. Oswald. He seems to have nothing at heart but the good of mankind, and putting a stop to mischief; the other, a young statesman, may be supposed to have naturally a little ambition of recommending himself as an able negociator.

In the afternoon Mr. Boeris of Holland, called on me and acquainted me that the answer had not yet been given to the last memorial from Russia, relating to the mediation; but it was thought it would be in respectful terms to thank her imperial Majesty for her kind offers, and to represent the propriety of their connection with France in endeavours to obtain a general peace, and that they conceived it would be still more glorious for her Majesty to employ her influence in procuring a general, than a partial pacification. Mr. Boeris farther informed me, that they were not well satisfied in Holland with the conduct of the Russian court, and suspected views of continuing the war for particular purposes.

Tuesday, June 4. I received another packet from Mr. Hartley. It consisted of duplicates of the former letters and papers already inserted, and contained nothing new but the following letter from Colonel Hartley, his brother, viz.

DEAR SIR, *Soho Square, May* 24, 1782.

It is with the greatest pleasure I take up my pen to acknowledge your remembrance of me in yours to my brother, and to thank you for those expressions of regard which I can assure you are mutual. My brother has desired me to copy some letters and papers by way of sending you duplicates. I am particularly happy at the employment, because the greatest object of my parliamentary life has been to co-operate with him in his endeavours to put a period to this destructive war, and forward the blessed work of peace. I hope to see him again in that situation where he can so well serve his country with credit to himself, and while I have the honour of being in parliament, my attention will be continued to promote the effects, which will naturally flow from those principles of freedom and universal philanthropy you have both so much supported. While I copy his words, my own feelings and judgment are truly in unison, and I have but to add the most ardent wish that peace and happiness may crown the honest endeavours towards so desirable an end. I am, dear Sir, with the greatest respect and esteem, yours sincerely, W. H. HARTLEY.

Dr. Franklin.

Wednesday, June 5. Mr. Oswald called again to acquaint me that Lord Cornwallis being very anxious to be discharged from his parole as soon as possible, has sent me a Major Ross hither to solicit it, supposing Mr. Laurens might be here with me. Mr. Oswald told me, what I had not before heard, that Mr. Laurens while prisoner in the Tower, had proposed obtaining the discharge of Lord Cornwallis in exchange for himself, and

had promised to use his utmost endeavours to that purpose, in case he was set at liberty, not doubting the success. I communicated to Mr. Oswald what had already passed between Mr. Laurens and me respecting Lord Cornwallis; which appears in the preceding letters, and told him, I should have made less difficulty about the discharge of his parole, if Mr. Laurens had informed me of his being set at liberty in consequence of such an offer and promise; and I wished him to state this in a letter to me, that it might appear for my justification in what I might with Mr. Laurens do in the affair; and that he would procure for me from Major Ross a copy of the parole, that I might be better acquainted with the nature of it. He accordingly in the afternoon sent me the following letter.

SIR, *Paris, June 5,* 1782.

While Mr. Laurens was under confinement in England, he promised, that on condition of his being liberated upon his parole, he would apply to you for an exchange in favour of my Lord Cornwallis, by a discharge of his Lordship's granted upon the surrender of his garrison at the village of York in Virginia: and, in case of your being under any difficulty in making such exchange, he undertook to write to the Congress, and to request it of that Assembly; making no doubt of obtaining a favourable answer without loss of time.

This proposal, signed by Mr. Laurens's hand, I carried and delivered, I think, in the month of December last, to his Majesty's then Secretaries of State, which was duly attended to; and in consequence thereof, Mr. Laurens was soon after set at full liberty. And though not a prisoner

under parole, yet it is to be hoped a variation in the mode of discharge will not be supposed of any essential difference.

And with respect to Mr. Laurens, I am satisfied he will consider himself as much interested in the success of this application as if his own discharge had been obtained under the form as proposed by the representation which I delivered to the Secretaries of State; and I make no doubt will sincerely join my Lord Cornwallis in an acknowledgment of your favour and good offices in granting his Lordship a full discharge of his parole abovementioned. I have the honour to be, with much respect, Sir, your most obedient humble servant, RICHARD OSWALD.

P. S. Major Ross has got no copy of Lord Cornwallis's parole. He says it was in the common form, as in like cases.

Since writing the above, I recollect I was under a mistake, as if the proposal of exchange came first from Mr. Laurens; whereas it was made by his Majesty's Secretaries of State to me, that Mr. Laurens should endeavour to procure the exchange of Lord Cornwallis, so as to be discharged himself. Which proposal I carried to Mr. Laurens, and had from him the obligation abovementioned, upon which the mode of his discharge was settled.

R. O.

To the foregoing I wrote this answer.

SIR, *Passy, June 6*, 1782.

I received the letter you did me the honour of writing to me, respecting the parole of Lord Cornwallis.

You are acquainted with what I wrote some time since to Mr. Laurens. To-morrow is post day from Holland, when possibly I may receive an answer, with a paper drawn up by him for the purpose of discharging that parole, to be signed by us jointly. I suppose the staying at Paris another day will not be very inconvenient to Major Ross; and if I do not hear to-morrow from Mr. Laurens, I will immediately, in compliance with your request, do what I can towards the liberation of Lord Cornwallis. I have the honour to be, with great respect, Sir, your most obedient humble servant,

R. Oswald, Esq. B. FRANKLIN.

Friday, June 7. Major Ross called upon me, to thank me for the favourable intentions I had expressed in my letter to Mr. Oswald respecting Lord Cornwallis, and to assure me his Lordship would for ever remember it with gratitude, &c. I told him it was our duty to alleviate as much as we could the calamities of war; that I expected letters from Mr. Laurens relating to the affair, after the receipt of which I would immediately complete it. Or if I did not hear from Mr. L. I would speak to the Marquis de la Fayette, get his approbation, and finish it without farther waiting.

Saturday, June 8. I received some newspapers from England, in one of which is the following paragraph.

Extract from the London Evening Post of May 30, 1782.

"If reports on the spot speak truth, Mr. Grenville, in his first visit to Dr. Franklin, gained a considerable point of information as to the powers America had retained

for treating *separately* with Great Britain, in case her claims or demands were granted.

The treaty of February 6, 1778, was made the basis of this conversation; and by the spirit and meaning of this treaty, there is no obligation on America not to treat separately for peace, after she is assured England will grant her independence, and a free commerce with all the world.

The first article of that treaty engages America and France to be bound to each other as long as *circumstances* may require; therefore the granting America all that she asks of England, is breaking the bond by which the *circumstances* may bind America to France.

The second article says, the meaning and direct end of the alliance is, to ensure the freedom and independence of America. Surely, then, when freedom and independence are allowed by Britain, America may or may not, as she chuses, put an end to the present war between England and America, and leave France to war on through all her mad projects of reducing the power and greatness of England, while America feels herself possessed of what she wishes.

By the eighth article of the treaty neither France or America can conclude peace without the assent of the other; and they engage not to lay down their arms, until the independence of America is acknowledged; but this article does not exclude America from entering into a separate treaty for peace with England, and evinces more strongly than the former article, that America may enter into a separate treaty with England, when she is convinced that England has insured to her, *all that she can* reasonably ask."

I conjecture that this must be an extract from a letter of Mr. Grenville's. But it carries an appearance as if he and I had agreed in these imaginary discourses of America's being at liberty to make peace without France, &c. Whereas my whole discourse in the strongest terms declared our determinations to the contrary, and the impossibility of our acting not only contrary to the treaty, but the duties of gratitude and honour, of which nothing is mentioned. This young negociator seems to value himself on having obtained from me a copy of the treaty. I gave it him freely, at his request; it being not so much a secret as he imagined, having been printed, first in all the American papers, soon after it was made; then at London in Almon's Remembrancer, which I wonder he did not know: and afterwards in a collection of the American Constitutions published by order of Congress. As such imperfect accounts of our conversations find their way into the English papers, I must speak to this gentleman of its impropriety.

Sunday, June 9. Dr. Bancroft being intimately acquainted with Mr. Walpole, I this day gave him Lord Shelburne's letter to Mr. Oswald, requesting he would communicate it to that gentleman. Dr. Bancroft said it was believed, both Russia and the Emperor wish the continuance of the war, and aimed at procuring for England a peace with Holland, that England might be better able to continue it against France and Spain.

The Marquis de la Fayette having proposed to call on me to-day, I kept back the discharge of Lord Cornwallis, which was written and ready, desiring to have his approbation to it, as he had in a former conversation advised it.

He did not come, but late in the evening sent me a note acquainting me, that he had been prevented, by accompanying the Grand Duke[1] to the review, but would breakfast with me to-morrow morning.

This day I received a letter from Mr. Dana, dated at St. Petersburgh, April 29, in which is the following passage. "We yesterday received the news that the States General had on the 19th of this month (N.S.) acknowledged the independence of the United States. This event gave a shock here, and is not well received, as they at least profess to have flattered themselves that the mediation would have prevented it, and otherwise brought on a partial peace between Britain and Holland. This resentment will not be productive of any ill consequences to the Dutch republic." It is true that while the war continues Russia feels a greater demand for the naval stores, and perhaps at a higher price: but is it possible that for such petty interests mankind can wish to see their neighbours destroy each other? Or, has the project lately talked of, some foundation, that Russia and the Emperor intend driving the Turks out of Europe; and do they therefore wish to see France and England so weakened as to be unable to assist those people?

Monday, June 10. The Marquis de la Fayette did not come till between 11 and 12. He brought with him Major Ross. After breakfast he told me (Major Ross being gone into another room) that he had seen Mr. Grenville lately, who asked him when he should go to America. That he had answered, "I have stayed here longer than I

[1] The Grand Duke of Russia, then at Paris, under the title of the *Count du Nord*. Afterwards the Emperor Paul.

should otherwise have done, that I might see whether we were to have peace or war, but as I see that the expectation of peace is a joke, and that you only amuse us without any real intention of treating; I think to stay no longer, but set out in a few days." On which Mr. Grenville assured him, it was no joke, that they were very sincere in their proposal of treating, and that four or five days would convince the Marquis of it. The Marquis then spoke to me about a request of Major Ross's in behalf of himself, Lord Chewton, a lieutenant-colonel, and Lieutenant Haldane, who were aids-de-camp to Lord Cornwallis, that they too might be set at liberty with him. I told the Marquis that he was better acquainted with the custom in such cases than I, and being himself one of the Generals to whom their paroles had been given, he had more right to discharge them than I had, and that if he judged it a thing proper to be done, I wished him to do it. He went to the bureau, saying, he would write something, which he accordingly did. But it was not as I expected, a discharge that he was to sign, it was for me to sign. And the Major not liking that which I had drawn for Lord Cornwallis, because there was a clause in it, reserving to Congress the approbation or disallowance of my act, went away without taking it. Upon which I the next morning wrote the following to Mr. Oswald.

SIR, *Passy, June* 11, 1782.

I did intend to have waited on you this morning to inquire after your health, and deliver the enclosed paper relating to the parole of Lord Cornwallis, but being obliged to go to Versailles, I must postpone my

visit till to-morrow. I do not conceive that I have any authority in virtue of my office here to absolve that parole in any degree: I have therefore endeavoured to found it as well as I could on the express power given me by Congress to exchange General Burgoyne for Mr. Laurens. A reservation is made, of confirmation or disapprobation by Congress, not from any desire in me to restrain the entire liberty of that General; but because I think it decent and my duty to make such reservation, and that I might otherwise be blamed as assuming a power not given me, if I undertook to discharge absolutely a parole given to Congress, without any authority from them for so doing. With great esteem and respect, I have the honour to be, Sir, your most obedient servant, B. FRANKLIN.

I have received no answer from Mr. Laurens.

The following is the paper mentioned in the above letter.

"The Congress having, by a resolution of the 14th of June last, empowered me to offer an exchange of General Burgoyne for the honourable Mr. Laurens, then a prisoner in the Tower of London, and whose liberty they much desired to obtain; which exchange, though proposed by me according to the said resolution, had not been accepted or executed, when advice was received that General Burgoyne was exchanged in virtue of another agreement; and Mr. Laurens having thereupon proposed another Lieutenant-General, viz. Lord Cornwallis, as an exchange for himself, promising that if set at liberty he would do his utmost to obtain a confirmation of that proposal: and Mr. Laurens being soon after discharged, and having since urged me earnestly in several letters, to join with him

in absolving the parole of that General, which appears to be a thing just and equitable in itself, and for the honour therefore of our country; I do hereby as far as in my power lies, in virtue of the above-mentioned resolution or otherwise, absolve and discharge the parole of Lord Cornwallis given by him in Virginia; setting him at entire liberty to act in his civil and military capacity until the pleasure of Congress shall be known, to whom is reserved the confirmation or disapprobation of this discharge, in case they have made, or shall intend to make a different disposition. Given at Passy, this 9th day of June, 1782.

(Signed) B. FRANKLIN.

Minister Plenipotentiary from the United States of America, at the Court of France."

I did not well comprehend the Major's conduct in refusing this paper. He was come express from London to solicit a discharge of Lord C.'s parole. He had said that his Lordship was very anxious to obtain that discharge, being unhappy in his present situation. One of his objections to it was, that his Lordship with such a limited discharge of his parole could not enter into foreign service. He declared it was not his Lordship's intention to return to America. He would not accept the paper, unless the reservation was omitted. I did not chuse to make the alteration; and so he left it, not well pleased with me.

This day, Tuesday, June 11, I was at Versailles and had a good deal of conversation with M. de Rayneval, Secretary to the Council. I showed him the letters I had received by Mr. Oswald from Lord Shelburne, and related all the consequent conversation I had with Mr. Oswald. I related to him also the conversation I had had

with Mr. Grenville. We concluded that the reason of his courier not being returned might be the formalities occasioning delay in passing the enabling bill. I went down with him to the cabinet of M. de Vergennes, where all was repeated and explained. That minister seemed now to be almost persuaded that the English Court was sincere in its declarations of being desirous of peace. We spoke of all its attempts to separate us, and of the prudence of our holding together, and treating in concert. I made one remark, that as they had shown so strong a desire of disuniting us, by large offers to each particular power, plainly in the view of dealing more advantageously with the rest; and had reluctantly agreed to make a general treaty, it was possible that after making a peace with all, they might pick out one of us to make war with separately. Against which project, I thought it would not be amiss if, before the treaties of peace were signed, we who were at war against England, should enter into another treaty, engaging ourselves that in such case we should again make it a common cause, and renew the general war; which he seemed to approve of. He read Lord Shelburne's letter relating to Mr. Walpole, said that gentleman had attempted to open a negociation through the Marquis de Castries, who had told him he was come to the wrong house, and should go to M. de Vergennes; but he never had appeared. That he was an intriguer, knew many people about the Court, and was accustomed to manage his affairs by hidden round-about ways; "but, said he, "when people have any thing to propose that relates to my employment, I think they should come directly to me, my cabinet is the place where such affairs are to be treated." On the whole, he seemed rather pleased that Mr. Walpole had not come

to him, appearing not to like him. I learnt that Mr. Jay had taken leave on the 7th past of the Spanish minister in order to come hither, so that he may be daily expected. But I hear nothing of Mr. Laurens or Mr. Adams.

Wednesday June 12. I visited Mr. Oswald this morning. He said he had received the paper I sent him relating to the parole of Lord Cornwallis, and had by conversing with Major Ross convinced him of his error in refusing it. That he saw I had done every thing that could be fairly desired of me, and said every thing in the paper, that could give weight to the temporary discharge, and tend to prevail with the Congress to confirm and complete it. Major Ross coming in made an apology for not having accepted it at first, declared his perfect satisfaction with it, and said he was sure Lord Cornwallis would be very sensible of the favour. He then mentioned the custom among military people, that in discharging the parole of a General, that of his Aid's was discharged at the same time. I answered that I was a stranger to the customs of the army; that I had made the most of the authority I had for exchanging General Burgoyne by extending it as a foundation for the exchange of Lord Cornwallis; but that I had no shadow of authority for going farther: that the Marquis de la Fayette having been present when the parole was given, and one of the Generals who received it, was I thought more competent to the discharge of it than myself, and I could do nothing in it. He went then to the Marquis, who in the afternoon sent me the draft of a limited discharge which he should sign, but requested my approbation of it, of which I made no difficulty; though I observed he had put into it that it was by my advice. He

appears very prudently cautious of doing any thing that may seem assuming a power that he is not vested with.

Friday the 14th Mr. Boeris called again, wishing to know if Mr. Grenville's courier was returned, and whether the treaty was likely to go on. I could give him no information. He told me that it was intended in Holland in answer to the last Russian memorial to say, that they could not now enter into a particular treaty with England, that they thought it more glorious for her Imperial Majesty to be the mediatrix in a general treaty, and wished her to name the place. I said to him, "as you tell me their H. M. are not well satisfied with Russia, and had rather avoid her mediation, would it not be better to omit the proposition at least of her naming the place, especially as France, and England, and America have already agreed to treat at Paris?" He replied, "it might be better, but," said he, "we have no politicians among us." I advised him then to write, and get that omitted, as I understood it would be a week, before the answer was concluded on. He did not seem to think his writing would be of much importance. I have observed that his colleague M. Vanderpierre has a greater opinion by far of his own influence and consequence.

Saturday 15th June. Mr. Oswald came to breakfast with me. We afterwards took a walk in the garden, when he told me Mr. Grenville's courier returned last night: that he had received by him a letter from Mrs. Oswald, but not a line from the ministry, nor had he heard a word from them since his arrival; nor had he heard of any news brought by the courier. That he should have gone to see Mr. Grenville this morning, but had omitted it, that gentleman being subject to morning head aches, which

prevented his rising so early. I said I supposed he would go to Versailles, and call on me in his return. We had but little farther discourse having no new subject.

Mr. Oswald left me about noon, and soon after Mr. Grenville came, and acquainted me with the return of his courier, and that he had brought the full powers. That he Mr. G. had been at Versailles, and left a copy with M. de Vergennes. That the instrument was in the same terms with the former, except that after the power to treat with the king of France or his ministers, there was an addition of words importing a power to treat with the ministers of any other prince or state whom it might concern. That M. de Vergennes had at first objected to these general words, as not being particular enough, but said he would lay it before the King, and communicate it to the ministers of the belligerent powers, and that Mr. Grenville should hear from him on Monday. Mr. Grenville added, that he had farther informed M. de Vergennes of his being now instructed to make a proposition, as a basis for the intended treaty, to wit, the peace of 1763. That the proposition intended to be made under his first powers, not being then received, was now changed, and instead of proposing to allow the independence of America on condition of England's being put into the situation she was in at the peace of 1763, he was now authorized to declare the independence of America previous to the treaty as a voluntary act, and to propose separately as a basis the treaty of 1763. This also M. de Vergennes undertook to lay before the King, and communicate to me. Mr. Grenville then said to me, he hoped all difficulties were now removed, and that we might proceed in the good work. I asked him, if the enabling bill was passed. He said, No. It had passed the commons and had been once

read in the House of Lords, but was not yet completed. I remarked, that the usual time approached for the prorogation of parliament, and possibly this business might be omitted. He said there was no danger of that, the parliament would not rise this year till the middle of July. The India affairs had put back other business, which must be done, and would require a prolongation of the session till that time. I then observed to him, that though we Americans considered ourselves as a distinct independent power or state, yet as the British government had always hitherto affected to consider us only as rebellious subjects, and as the enabling act was not yet passed, I did not think it could be fairly supposed that his court intended by the general words *any other prince or state* to include a people whom they did not allow to be a state; and that therefore I doubted the sufficiency of his power as to treating with America, though it might be good as to Spain and Holland. He replied, that he himself had no doubt of the sufficiency of his power, and was willing to act upon it. I then desired to have a copy of the power, which he accordingly promised me. He would have entered into conversation on the topic of reconciliation, but I chose still to wave it, till I should find the negociation more certainly commenced; and I showed him the London paper containing the article above transcribed P. that he might see how our conversations were misrepresented, and how hazardous it must be for me to make any propositions of the kind at present. He seemed to treat the newspaper lightly as of no consequence; but I observed that before he had finished the reading of the article, he turned to the beginning of the paper to see the date, which made me

suspect that he doubted whether it might not have taken its rise from some of his letters.

When he left me I went to dine with M. de Chaumont, who had invited me to meet there Mr. Walpole at his request. We shook hands, and he observed that it was near two years since we had seen each other. Then stepping aside, he thanked me for having communicated to him Lord Shelburne's letter to Mr. Oswald; thought it odd that Mr. Oswald himself had not spoken to him about it; said he had received a letter from Mr. Fox upon the affair of St. Eustatia, in which there were some general words expressing a desire of peace; that he had mentioned this to M. de Castries, who had referred him to M. de Vergennes, but he did not think it a sufficient authority to go to that minister. It was known that he had business with the minister of the marine on the other affair, and therefore his going to him was not taken notice of; but if he had gone to M. de Vergennes minister of foreign affairs, it would have occasioned speculation and much discourse; that he had therefore avoided it 'till he should be authorized, and had written accordingly to Mr. Fox, but that in the mean time Mr. Oswald had been chosen upon the supposition that he (Mr. Walpole) and I were at variance. He spoke of Mr. Oswald as an odd kind of man, but that indeed his nation were generally odd people, &c. We dined pleasantly together with the family, and parted agreeably without entering into any particulars of the business. Count d'Estaing was at this dinner, and I met him again in the evening at Madame Brillon's. There is at present among the people much censure of Count de Grasse's conduct, and a general wish that Count d'Estaing

had the command in America. I avoid meddling, or even speaking on the subject, as improper for me, though I much esteem that commander.

Sunday 16th I heard nothing from Versailles. I received a letter from Mr. Adams acquainting me he had drawn upon me for a quarter's salary, which he hoped would be the last, as he now found himself in a way of getting some money there, though not much; I have not a line from Mr. Laurens which I wonder at. I received also a letter from Mr. Carmichael dated June 5th at Madrid. He speaks of Mr. Jay being on his journey, and supposes he would be with me before that letter, so that I may expect him daily. We have taken lodgings for him at Paris.

Monday 17th I received a letter from Mr. Hodgson acquainting me that the American prisoners at Portsmouth, to the number of 330, were all embarked on board the transports; that each had received twenty shillings worth of necessaries at the expence of government, and went on board in good humour. That contrary winds had prevented the transports arriving in time at Plymouth, but that the whole number now there of our people, amounting to 700 with those arrived from Ireland, would be soon on their way home.

In the evening the Marquis de la Fayette came to see me, and said he had seen M. de Vergennes who was satisfied with Mr. Grenville's powers. He asked me what I thought of them, and I told him what I had said to Mr. Grenville of their imperfection with respect to us. He agreed in opinion with me. I let him know that I proposed writing to M. de Vergennes to-morrow. He said he had signed the paper relating to Major Ross's parole,

and hoped Congress would not take it amiss; and added, that in conversation with the Major, he had asked him, why England was so backward to make propositions? We are afraid, said the Major, of offering you more than you expect or desire.

I find myself in some perplexity, with regard to these two negociators. Mr. Oswald appears to have been the choice of Lord Shelburne: Mr. Grenville that of Mr. Secretary Fox. Lord Shelburne is said to have lately acquired much of the King's confidence: Mr. Fox calls himself the minister of the people, and it is certain his popularity is lately much increased. Lord S. seems to wish to have the management of the treaty; Mr. Fox seems to think it in his department. I hear that the understanding between those ministers is not quite perfect. Mr. Grenville is clever, and seems to feel reason as readily as Mr. Oswald, though not so ready to own it. Mr. Oswald appears quite plain and sincere. I sometimes a little doubt Mr. Grenville. Mr. Oswald, as an old man, seems to have now no desire but that of being useful in doing good. Mr. Grenville, a young man, naturally desirous of acquiring reputation, seems to aim at that of being an able negociator. Oswald does not solicit to have any share in the business, but submitting the matter to Lord S. and me expresses only his willingness to serve, if we think he may be useful, and is equally willing to be excused if we judge there is no occasion for him. Grenville seems to think the whole negociation committed to him, and to have no idea of Oswald's being concerned in it; and is therefore willing to extend the expressions in his commission, so as to make them comprehend America, and this beyond what I think they will bear. I imagine we might however

go on very well with either of them, though I should prefer Oswald; but I apprehend difficulties if they are both employed, especially if there is any misunderstanding between their principals. I must however write to Lord S. proposing something in consequence of his offer of vesting Mr. Oswald with any commission that gentleman and I should think proper.

Tuesday 18th. I found myself much indisposed with a sudden and violent cold, attended with a feverishness and head-ache. I imagined it to be an effect of the influenza, a disorder now reigning in various parts of Europe. This prevented my going to Versailles.

Thursday 20th. Weather excessively hot, and my disorder continues, but is lessened, the head-ache having left me. I am however not yet able to go to Versailles.

Friday 21st. I received the following note from the Marquis de la Fayette.

Versailles, Thursday Morning, June 20, 1782.

My Dear Sir,

Agreeable to your desire I have waited upon Count de Vergennes, and said to him what I had in command from your Excellency. He intends taking the King's orders this morning, and expects he will be able to propose Mr. Grenville a meeting for to-morrow, where he will have time to explain himself respecting France and her allies, that he may make an official communication both to the King and the allied ministers. What Count de Vergennes can make out of this conversation will be communicated by him to your Excellency in case you are not able to come,—in the other case I shall wait upon you to-

morrow evening with every information I can collect. I have the honour to be very respectfully, my dear Sir, your obedient servant, and affectionate friend,

LA FAYETTE.

In the evening the Marquis called upon me, and acquainted me that Mr. Grenville had been with Count de Vergennes, but could not inform me what had passed.

Saturday, 22d. Mr. Oswald and Mr. Whiteford his secretary came and breakfasted with me. Mr. O. had received no letter or instructions. I told him I would write to Lord Shelburne respecting him, and call on him on Monday morning to breakfast, and show him what I proposed to write, that it might receive such alterations as he should judge proper.

Sunday, 23. In the afternoon Mr. Jay arrived, to my great satisfaction. I proposed going with him the next morning to Versailles, and presenting him to M. de Vergennes. He informed me, that the Spanish ministers had been much struck with the news from England respecting the resolutions of parliament to discontinue the war in America, &c., and that they had since been extremely civil to him, and he understood intended to send instructions to the ambassador at this court, to make the long talked of treaty with him here.

Monday, 24th. Wrote a note of excuse to Mr. Oswald, promising to see him on Wednesday, and went with Mr. Jay to Versailles. M. de Vergennes acquainted us, that he had given to Mr. Grenville the answer to his propositions, who had immediately dispatched it to his court. He read it to us, and I shall endeavour to obtain a copy of it. M. de Vergennes informing us that a frigate was

about to be dispatched for America, by which we might write, and that the courier who was to carry down the dispatches would set off on Wednesday morning, we concluded to omit going to court on Tuesday, in order to prepare our letters. M. de Vergennes appeared to have some doubts about the sincerity of the British court, and the *bonne foi* of Mr. Grenville; but said the return of Mr. G.'s courier might give light.

I received the following letter from Mr. Adams, dated *the Hague, June* 13, 1782.

FROM HIS EXCELLENCY JOHN ADAMS, ESQ. TO DR. FRANKLIN.

SIR, *The Hague, June* 13, 1782.

I had yesterday at Amsterdam, the honour of receiving your Excellency's letter of June 2nd.

The discovery that Mr. Grenville's power was only to treat with France does not surprize me at all. The British ministry are too divided among themselves, and have too formidable an opposition against them, in the king and the old ministers, and are possessed of too little of the confidence of the nation, to have courage to make concessions of any sort, especially since the news of their successes in the East and West Indies. What their vanity will end in God only knows: for my own part, I cannot see a probability that they will ever make peace, until their finances are ruined, and such distresses brought upon them, as will work up their parties into a civil war.

I wish their enemies could by any means be persuaded to carry on the war against them in places, where they might be sure of triumphs, instead of insisting upon pur-

suing it, where they are sure of defeat. But we must take patience, and wait for time to do, what wisdom might easily and soon do.

I have not as yet taken any engagements with the Dutch not to make peace without them; but I will take such engagements in a moment, if the Dutch will take them, and I believe they would very cheerfully. I shall not propose it however till I have the concurrence of the Duke de la Vauguyon, who will do nothing without the instructions of his court. I would not delay it a moment from any expectation that the English will acknowledge our independence and make peace with us, because I have no such expectations. The permanent friendship of the Dutch may be easily obtained by the United States. That of England never: it is gone with the days before the flood. If we ever enjoy the smallest degree of sincere friendship again from England, I am totally incapable of seeing the character of a nation or the connections of kings; which however may be the case for what I know. They have brought themselves into such a situation! Spain, Holland, America, the armed neutrality have all such pretensions and demands upon them, that where is the English minister, or member of parliament that dares to vote for the concession to them? The pretensions of France I believe would be so moderate, that possibly they might be acceded to. But it is much to be feared that Spain, who deserves the least, will demand the most: in short, the work of peace appears so impracticable and chimerical, that I am happy in being restrained to this country, by my duty, and by this means excused from troubling my head much about it. I have a letter from America that informed me, that Mr. Jay had refused to

act in the commission for peace; but if he is on the way to Paris, as you suppose, I presume my information must be a mistake, which I am very glad of. Mr. Laurens did me the honour of a very short visit, in his way to France, but I was very sorry to learn from him, that in a letter to your Excellency from Ostend, he had declined serving in the commission for peace. I had vast pleasure in his conversation, for I found him possessed of the most exact judgment concerning our enemies, and of the same noble sentiments in all things, which I saw in him in Congress.

What is the system of Russia? Does she suppose that England has too many enemies upon her, and that their demands and pretensions are too high? Does she seek to embroil affairs, and to light up a general war in Europe? Is Denmark in concert with her, or any other power? Her conduct is a phenomenon. Is there any secret negociation or intrigue on foot to form a party for England among the powers of Europe? and to make a balance against the power of the enemies of England?

The states of Holland and several other provinces have taken a resolution against the mediation for a separate peace, and this nation seems to be well fixed in its system, and in the common cause.

My best respects and affections to my old friend Mr. Jay, if you please. I have the honour to be, Sir, your most obedient and most humble servant, J. ADAMS.

I wrote to Mr. Secretary Livingston, and Mr. Robert Morris, of which the following are extracts.

To Robt. R. Livingston, Esq.

Passy, June 25, 1782.

"By the newspapers I have sent, you will see that the general disposition of the British nation towards us had been changed. Two persons have been sent here by the new ministers, to propose treating for peace. They had at first some hopes of getting the belligerent powers to treat separately, one after another, but finding that impracticable, they have, after several messengers sent to and fro, come to a resolution of treating with all together for a general peace, and have agreed that the place shall be Paris. Mr. Grenville is now here with full powers for that purpose, (if they can be reckoned full with regard to America, till a certain act is completed for enabling his majesty to treat, &c. which has gone through the commons, and has been once read in the lords.) I keep a very particular journal of what passes every day, in the affair, which is transcribing to be sent you. I shall therefore need to say no more of it in this letter, except that though I still think they were at first sincere in their desire of peace, yet since their success in the West Indies, I imagine that I see marks of their desiring rather to draw the negociations into length, that they may take the chance of what the rest of the campaign shall produce in their favour; and as there are so many interests to adjust, it will be prudent for us to suppose, that even another campaign may pass before all can be agreed. Something too may happen to break off the negociations, and we should be prepared for the worst. I hoped for the assistance of Mr. Adams and Mr. Laurens. The first is too much engaged in Holland to come hither, and the other declines

serving; but I have now the satisfaction of being joined by Mr. Jay, who happily arrived here from Madrid last Sunday. The Marquis de la Fayette is of real use in our affairs here, and as the campaign is not likely to be very active in North America, I wish I may be able to prevail with him to stay a few weeks longer. By him you will receive the journal abovementioned, which is already pretty voluminous, and yet the negociations cannot be said to be opened.

"Ireland you will see has obtained all her demands triumphantly. I meet no one from that country who does not express some obligation to America for their success.

"Before I received your just observations on the subject, I had obtained from the English ministers a resolution to exchange all our prisoners. They thought themselves obliged to have an act of parliament for authorising the king to do it. This war being different from others, as made by an act of parliament declaring us rebels, and our people being committed as for high treason. I empowered Mr. Hodgson, who was chairman of the committee that collected and dispensed the charitable subscription for the American prisoners, to treat and conclude on terms of their discharge, and having approved of the draft he sent me of the agreement, I hope the congress will see fit to order a punctual execution of it. I have long suffered with those poor brave men, who with so much public virtue have endured four or five years hard imprisonment, rather than serve against their country. I have done all I could afford towards making their situations more comfortable; but their number was so great, that I could do but little for each; and that very great

villain, Digges, defrauded them of between three and four hundred pounds, which he drew from me on their account. He lately wrote me a letter, in which he pretended he was coming to settle with me, and to convince me that I had been mistaken with regard to his conduct; but he never appeared, and I hear he is gone to America. Beware of him, for he is very artful, and has cheated many. I hear every day of new rogueries committed by him in England.

"The ambassador from Sweden to this court applied to me lately, to know if I had powers that would authorise my making a treaty with his master, in behalf of the United States. Recollecting a general power that was formerly given to me with the other commissioners, I answered in the affirmative. He seemed much pleased, and said the king had directed him to ask the question, and had charged him to tell me, that he had so great an esteem for me, that it would be a particular satisfaction to him to leave such a transaction with me. I have perhaps some vanity in repeating this, but I think too that it is right that congress should know it, and judge if any use may be made of the reputation of a citizen for the public service. In case it should be thought fit to employ me in that business, it will be well to send a more particular power and proper instructions. The ambassador added, that it was a pleasure to him to think, and he hoped it would be remembered, that Sweden was the first power in Europe which had voluntarily offered its friendship to the United States, without being solicited. This affair should be talked of as little as possible, till completed."

To the Hon. Robert Morris.

Passy, June 25, 1782.

"For what relates to war and peace, I must refer you to Mr. Livingston, to whom I write fully. I will only say, that though the English a few months since seemed desirous of peace, I suspect they now intend to draw out the negociation into length, till they can see what this campaign will produce. I hope our people will not be deceived by fair words, but be on their guard, ready against every attempt that our insidious enemies may make upon us. I am, &c."

Wednesday, 26th. I sent away my letters, and went to see Mr. Oswald. I showed him the draft of a letter to be addressed to him instead of Lord Shelburne, respecting the commission or public character he might hereafter be vested with; this draft was founded on Lord S.'s memorandums, which Mr. Oswald had shown to me, and this letter was intended to be communicated by him to Lord Shelburne. Mr. Oswald liked the mode, but rather chose that no mention should be made of his having shown me Lord S.'s memorandums, though he thought they were given him for that purpose. So I struck that out, and new modelled the letter, which I sent him next day, as follows.

Sir, *Passy, June* 27, 1782.

The opinion I have of your candour, probity, good understanding, and good-will to both countries, made me hope that you would have been vested with the character of plenipotentiary to treat with those from

America. When Mr. Grenville produced his first commission, which was only to treat with France, I did imagine that the other to treat with us was reserved for you, and kept back only till the enabling bill should be passed. Mr. Grenville has since received a second commission, which, as he informs me, has additional words, empowering him to treat with the ministers of any other prince or state, whom it may concern; and he seems to understand that these general words comprehend the United States of America. There may be no doubt that they comprehend Spain and Holland, but as there exist various public acts by which the government of Britain denies us to be States, and none in which they acknowledge us to be such, it hardly seems clear that we could be intended, at the time that commission was given, the enabling act not being then passed. So that though I can have no objection to Mr. Grenville, nor right to make it if I had any, yet as your long residence in America has given you a knowledge of that country, its people, circumstances, commerce, &c. which, added to your experience in business, may be useful to both sides in facilitating and expediting the negociation, I cannot but hope that it is still intended to vest you with the character above-mentioned respecting the treaty with America, either separately or in conjunction with Mr. Grenville, as to the wisdom of your ministers may seem best. Be it how it may, I beg you would accept this line as a testimony of the sincere esteem and respect, with which I have the honour to be, Sir, &c. B. FRANKLIN.

Friday, June 28. M. de Rayneval called upon me and acquainted me, that the ministers had received intelligence

from England, that besides the orders given to General Carleton, to propose terms of re-union to America, artful emissaries were sent over to go through the country, and stir up the people to call on the congress to accept those terms, they being similar to those now settling with Ireland. That it would therefore be well for Mr. Jay and me to write, and caution the congress against these practices. He said M. de Vergennes wished also to know what I had written respecting the negociation, as it would be well for us to hold pretty near the same language. I told him I did not apprehend the least danger that such emissaries would meet with any success, or that the congress would make any treaty with General Carleton. That I would however write as he desired; and Mr. Jay coming in promised the same. He said the courier would go to-morrow. I accordingly wrote to Mr. Secretary Livingston, and to my friend Dr. Cooper, of which the following are extracts.

TO THE HON. ROBERT R. LIVINGSTON.

SIR, *Passy, June* 28, 1782.

In mine of the 25th instant I omitted mentioning, that at the repeated earnest instances of Mr. Laurens, who had given such expectations to the ministry in England, when his parole or securities were discharged, as that he could not think himself at liberty to act in public affairs till the parole of Lord Cornwallis was absolved by me in exchange, I sent to that General the paper, of which the enclosed is a copy;[1] and I see by

[1] See page 221 of this volume.

the English papers, that his Lordship immediately on the receipt of it, appeared at Court and has taken his seat in the House of Peers, which he did not before think warrantable. My authority for doing this appeared questionable to myself, but Mr. Laurens judged it deducible from that respecting General Burgoyne, and by his letters to me, seemed so unhappy till it was done, that I ventured it, with a clause however, (as you will see,) reserving to congress the approbation or disallowance of it.

The enabling act is now said to be passed, but no copy of it is yet received here, so that as the bill first printed has suffered alterations in passing through parliament, and we know not what they are, the treaty with us is not yet commenced. Mr. Grenville expects his courier in a few days, with the answer of his court to a paper given him on the part of this. That answer will probably afford us a clearer understanding of the intentions of the British ministry, which for some weeks past have appeared somewhat equivocal and uncertain. It looks as if, since their late success in the West Indies, they a little repented of the advances they had made in their declarations respecting the acknowledgment of our independence; and we have pretty good information that some of the ministry still flatter the King with the hope of recovering his sovereignty over us on the same terms as are now making with Ireland. However willing we might have been at the commencement of this contest to have accepted such conditions, be assured that we can have no safety in them at present. The King hates us most cordially. If he is once admitted to any degree of power or government amongst us, however limited, it will soon be extended by corruption, artifice, and force, till we are reduced to ab-

solute subjection; and that the more easily, as by receiving him again for our King, we shall draw upon ourselves the contempt of all Europe, who now admire and respect us, and shall never again find a friend to assist us. There are, it is said, great divisions in the ministry on other points as well as this; and those who aim at engrossing the power flatter the King with this project of re-union; and it is said have much reliance on the operation of private agents sent into America to dispose minds there in favour of it, and to bring about a separate treaty there with General Carleton. I have not the least apprehension that congress will give into this scheme, it being inconsistent with our treaties as well as with our interest; but I think it will be well to watch these emissaries, and secure or banish immediately such as shall be found tampering and stirring up the people to call for it. The firm united resolution of France, Spain, and Holland, joined with ours, not to treat of a particular but a general peace, notwithstanding the separate tempting offers to each, will in the end give us the command of that peace. Every one of the other powers see clearly their interest in this, and persist in that resolution: the congress, I am persuaded, are as clear-sighted as any of them, and will not depart from the system which has been attended with so much success, and promises to make America soon both great and happy.

I have just received a letter from Mr. Laurens, dated at Lyons, on his journey into the south of France for his health. Mr. Jay will write also by this opportunity. With great esteem, I have the honour to be, &c.

B. FRANKLIN.

EXTRACT OF A LETTER TO DR. COOPER, BOSTON.

Passy, June 28, 1782.

"Our public affairs are in a good situation here. England having tried in vain to make a separate peace with each of the powers she is at war with, has at length agreed to treat for a general peace with them altogether; and at Paris. If we all continue firm in the resolution not to separate, we shall command the terms. I have no doubt of this steadiness here; and though we are told that endeavours are making on your side the water to induce America to a re-union on the terms now granting to Ireland, and that powers are sent to General Carleton for that purpose, I am persuaded the danger of this project will appear so evident, that if offered it will be immediately rejected. We have no safety but in our independence. With that we shall be respected, and soon become great and happy. Without it we shall be despised, lose all our friends, and then either be cruelly oppressed by the King who hates and is incapable of forgiving us, or having all that nation's enemies for ours, shall sink with it. I am ever, my dear friend, yours most affectionately,

B. FRANKLIN."

M. de Rayneval (who is Secretary to the Council of State,) calling again in the evening, I gave him copies of the preceding letters to peruse, and show to M. de Vergennes; to convince them that we held no underhand dealings here. I own I had at the same time another view in it, which was that they should see I had been ordered to demand farther aids, and had forborne to make the de-

mand, with my reasons; hoping that if they possibly could help us to more money, they might be induced to do it.

I had never made any visit to Count d'Aranda, the Spanish ambassador, for reasons before mentioned. M. de Rayneval told Mr. Jay and me this morning, that it would be well for us to wait upon him, and he had authority to assure us we should be well received. We accordingly concluded to wait on his Excellency next morning.

Saturday, June 29. We went together to the Spanish ambassadors, who received us with the greatest civility and politeness. He spoke with Mr. Jay on the subject of the treaty they were to make together, and mentioned in general as a principle, that the two powers should consider each other's conveniency, and accommodate and compensate each other as well as they could. That an exact compensation might perhaps not be possible, but should be approached as nearly as the nature of things would admit. Thus, said he, if there is a certain thing which would be convenient to each of us, but more convenient to one than to the other, it should be given to the one to whom it would be most convenient; and compensation be made by giving another thing to the other for the same reason. I suppose he had in view something relating to boundaries or territories, because he added, "we will sit down together with maps in our hands, and by that means shall see our way more clearly." I learned from him that the expedition against Providence had failed, but no advice was yet received of it. At our going out he took pains himself to open the folding doors for us, which is a high compliment here, and told us he would return our visit (*rendre son devoir*), and then fix a day with us for

dining with him. I dined with Mr. Jay and a company of Americans at his lodgings.

Sunday, July 1. Mr. Grenville called on me.

[*This* JOURNAL *does not appear to have been further continued: but the* NEGOCIATIONS *will be found completed by the authentic Correspondence and Documents which follow.*]

TO THE HON. HENRY LAURENS.

SIR, *Passy, July* 2, 1782.

I received the letter you did me the honour of writing to me from Lyons the 24th past.

I wonder a little at Mr. *** not acquainting you whether your name was in the commission or not. I begin to suspect from various circumstances that the British ministry, elated perhaps too much by the success of Admiral Rodney, are not in earnest to treat immediately, but rather wish delay. They seem to hope that farther successes may enable them to treat more advantageously; or, as some suppose, that certain propositions to be made to congress by General Carleton, may render a treaty here with us unnecessary. A little bad news, which it is possible they may yet receive from the same quarter, will contribute to set them right; and then we may enter seriously upon the treaty; otherwise I conjecture it may not take place till after another campaign. Mr. Jay is arrived here. Mr. Grenville and Mr. Oswald continue here. Mr. Oswald has yet received no commission; and that of Mr. Grenville does not very clearly comprehend us, according to British ideas; therefore requires explica-

tion. When I know more you shall have farther information.

Not having an immediate answer to what I wrote you concerning the absolution of Lord Cornwallis's parole, and Major Ross coming over hither from him to press it; I gave him the discharge you desired. Enclosed I send you a copy. I hear it has proved satisfactory to him; I hope it will be so to you. Believe me to be, with great esteem, &c. B. FRANKLIN.

FROM GOVERNOR POWNALL TO DR. FRANKLIN.

DEAR SIR, *Richmond Hill, July 5*, 1782.

I have, by my friend Mr. Hobart, sent a printed copy of the three memorials which I published on the subject of America, one addressed to the sovereigns of Europe, and two others addressed to the sovereign of Great Britain.

I hope you received my letter of May 13, 1782, forwarded by Mr. Bridgen.

As it is possible you may see Mr. Hobart, he can inform you from me, as well as of his own knowledge, of the steps we took upon the ground of your communications to him and me. "That there were persons authorized to treat of peace, and that such persons were willing to give to reasonable measures taken to that end, every assistance in their power." He can inform you also on the circumstances which attended those steps; and of the effect which *they missed in the direct line, as of the effect they actually have in an oblique one.* As from the beginning of this matter of trying to bring on negociation for peace, I considered him as joined with me in our

endeavours; so I have given to him a memorandum which I made on the course of this business. He will communicate to you every thing which is not improper for a man of honour to communicate to the minister of a people at war with us: nor will he abstain from communicating any thing which that minister, wishing peace to our country, ought to be apprized of, respecting the effects of his friendly offers. He will do every thing which a man of honour ought to do, and he will do nothing that a man of honour ought not to do.

I have desired him to give a paper of queries, respecting *modes* and *terms* of settling in America, which people of this old world, and of the old country may in future be admitted to receive. I am, not only for my friends, but personally interested to gain information on that head: and as I wish that which will not deceive them or myself, I apply to you.

May God send peace on earth. I hope among the general blessings it will bring, it will restore me to the communication and enjoyment of my old and long valued friendship with you. May you live to see, and have health to enjoy, the blessings which I hope it may please God to make you the instrument of communicating to mankind. I am, dear Sir, your friend and very humble servant,

T. POWNALL.

P. M.

TO THE HON. MR. HOBART.

When I published the memorials which I had prepared for the King, January 1, 1782, I prefixed a

prefatory explanation of the publication, stating, as far as was safe so to do, the state of the *propositions of treaty*, and the circumstances attending the reception and final refusal of them.

I could not think it proper *to name the person* with whom I had corresponded, who was authorized to treat of peace, and was willing to promote it, because I knew the insidious falsehood of *those who both hate and fear him*, would, when once his name was committed with the public, represent him in any light that might tend to diminish and destroy the trust and confidence which he so deservedly has from his employers. The memorials therefore speak of *persons* in the *plural*, and the preface in its communications to the public keeps close to that expressed.

I could not venture to tell the public, nor could I venture to write to this person, the fact that he *specifically and personally was excepted to*, in an *opprobrious manner*. Because the same persons who are his enemies, having proscribed me, would have been glad of making such my communications an occasion of charging me with *crimes*, which, notwithstanding they have been in constant watch, they have never yet been able to do. For although I know they have whispered such in the closet, they never have dared to assert any such matter as *fact* in public. What I did, I thought right in point of honour to all concerned or interested, and I went as far as I dared venture to go in the publications which I made.

As this exception to the integrity and good faith of my correspondent, was made upon the very first overture which I made by all the ministers, I made a point, in all the memorials which I drew up for presentation (had the

offers been admissible,) of founding my offers on the integrity and good faith of this person (p. 32), and in this communication to the public of marking him (preface, p. 10), as a man of honour and good faith.

I could not venture to communicate to my correspondent, much less to the public, those matters, which, though not officially communicated to me, these my enemies *would have represented* as a betraying to *the enemy* the secrets of government. But it is fit, if not absolutely necessary, to make this memorandum of these things, that *the truth*, when the proper time shall come, may be known to all whom it doth concern; and it is further fit that this memorandum should be communicated to you now, as the proposing of your services was included in the offers made as a condition *sine qua non*.

Between the 6th of December, 1781, and the end of January, 1782, during which time the ministry kept me in suspense as to what resolution they would take, as to what answer they would give; or whether they would give me any answer at all; or whether they would deign to admit me and my propositions to a hearing; they dishonourably towards me, and as I think towards my correspondent also, profited of the *fact communicated by me to them*, viz. "that there were persons authorized to treat of peace; and, that these persons were disposed to give such treaty every assistance in their power:"—and sent one person (I have been told it was Mr. Oswald,) to Holland, a person, if not actually the same person, to Ghent, and a Mr. Forth to France, to try if they could not get upon *the same ground* by other ways, and *through other persons*. I have been told and believe it, that they understood that Mr. Adams was (disgusted with the Dutch government)

ready to accede to ours. Also that Mr. ——— at Ghent *was already gained.* This person they hurried off to America; and they gave instructions to General Carleton to open the ground of treaty in America. In short they tried any ground and every person except *him* who was excepted to. And when they found that they could not get in at any door in Europe, they affected to interpret this disappointment into a fact, "That the American ministers were either not empowered or not willing to treat; that the offer was now clearly *a trap laid by a faithless and decided enemy.*"

When I first made my offer I was asked whether I would go to Ghent or Holland, which I peremptorily refused. I was then asked why I would not, I said I knew nothing of the person in Holland, and as to the person at Ghent, I would have no communications there. The only person I would have communications with, was him that I knew had powers, whom I knew to be, notwithstanding all provocations to the contrary, invariably consistent with his duty to his own country, a well-wisher and friend to this, whom from experience I knew to be a man of *honour and good faith*, whom I could trust, and who would trust me. This person and this line was rejected; I will not aggravate the colour of facts by saying *how*.

I was informed that during this period they were talking with Mr. Laurens as a more practicable man, as one who had by acknowledging himself amenable to the laws and courts of this country, and by the act of giving bail had by implication acknowledged (at least *de facto*), the sovereignty of Great Britain, and that *the ministers of the States* were criminals against this country. This gentleman therefore, and his surety Mr. Oswald, were fixed

upon *as the persons* through whom business might go. What was the nature of the matters of business on which they were communicated with, I do not know.

Notwithstanding the change of the ministry which took place at this period, there were some in the new composition of ministers, who partook of the spirit and influence of the old ones, and the same line of motion, and the same persons, were in like manner, as before, adopted for treaty.

The memorial, January 1, 1782, (p. 22), declares specifically and definitively what was the proposition I made, viz. to open a "negociation *for the purpose only* of settling such a truce with the Americans, as a *preliminary measure*, in order the better to treat of peace in future, either separately, or in any general Congress of the powers of Europe." And this on a ground of *uti possidetis*, both as to *rights* as well as *territories* possessed, which I explained an acknowledgment of the independence of America, with a sauf d'honneur to the British sovereign, and a removing of all obstacles from the way of such other sovereigns in Europe as had not yet brought themselves to acknowledge the American sovereignty. (p. 22.) I never pretended to talk of peace, much less of a *separate peace*, but definitely declared that whatever was undertaken "must not contravene, (Mem. Jan. 1782. p. 21), nor ever bring into question, treaties already subsisting."

On this ground it was, that upon my first overtures I proposed that while I was treating with the American ministers, Mr. Hobart might be authorised to treat with French ministers as the properest man then in England, as living with the men of business of that Court; as known to them; as knowing them; and between whom and him

there was that degree and those habits of acquaintance and good opinion, which is the only soil out of which practical confidence in negociation can grow; as one with whom I could communicate with the most perfect confidence, as one in whose hands I would repose my life and honour. I said first that if these two lines of treaty were not instituted at the same time; and secondly, that if Mr. Hobart was not the person joined with me, I would not engage in what I had offered. This gentleman, a man of honour, brother to the Earl of Buckingham, of a noble distinct landed estate of his own; a man designed by his education at the Court of Vienna, under former ministers in a former reign, for the corps diplomatic, and actually having served in Russia, was also inadmissible. And they thus ended all matters in which I had made my offers.

Having thus found the ministers with whom I had communicated, impracticable towards peace in the only line in which I thought it might be obtained, and seeing an opportunity in which I could be *principally instrumental in turning them out*, I seized the occasion, and effectuated the purpose.

General Conway had communicated to me a measure which he was to take of moving an address of the House of Commons, to pray his Majesty to relinquish the farther prosecution of the War. I stated to him the following difficulty which might be thrown on the ground of his motion, so as to obstruct his proceeding in it. The ministers might in general terms, and equivocal assertions, say, that they were trying the ground of treaty, and that propositions towards negociation were afloat, &c. &c., and then if on this ground they called upon him, not at *such a juncture* to bring forward measures which might

obstruct their endeavours, and destroy all hopes and views of peace, he would be puzzled what to answer and how to proceed. But, that if he could have it in his power to say, That so far from opening the ground of negociation, or being disposed to take a way to such; which offers had opened to them; that they had offers made by persons communicating with other persons *actually authorised* and willing to *treat of peace*, and had rejected those offers; I thought the ministers would not know how to oppose his motion. He said, that indeed would be strong ground, from whence if the ministry were attacked, he did not see how they could maintain *their ground*. I then proceeded in my communications to him, without naming my correspondent, nay absolutely refusing to name when earnestly pressed, and told him, that I was the person to whom communications had come, "that there were in Europe *persons* authorized to treat of peace, and who had declared that any reasonable measures to that end, should have every assistance in their power." That I had communicated this to the ministry, that after delaying all answer from December 6th to the end of January, to offers which I had made them on that ground, they had finally and absolutely rejected the persons and the offers. He said if this could be proved it must turn them out. I then authorised him to make those assertions[1] which he made in the House, and that we might not misunderstand one another, I desired they might be written down: and farther authorised him, if the ministry by denying the assertions should render it necessary, to name me, as ready to come and declare the same at the bar of the House of

[1] Which were not those the news-papers published.

Commons; and that in the mean while he need not make any secret of me on this matter. The ministers could not, and did not venture to deny it, and were forced to quit their ground and their places.[1] Upon the change of ministers, I by letter to General Conway made an offer of my services to open the same negociation which I had proposed to the late ministers; but from that hour to this day have never heard from him: and soon after found that Lord Shelburne had employed Mr. Oswald, who was Mr. Laurens's surety, and that his Lordship had seen Mr. Laurens.

Richmond, July 2, 1782.

MEMORANDUM BY DAVID HARTLEY, ESQ.

July 8, 1782.

To a person who no longer thinks of American dependence, what disadvantage can there be in making its independence a fixed article (whether the treaty succeeds or no) instead of making it a first article of the treaty, and so to depend on the success of that which may miscarry? To a person indeed who looks on it as an evil, and as an evil which there are *yet some hopes* to avoid, it is a rational proceeding to provide for *all* possibilities of realizing those hopes; and the case of the treaty not succeeding is that reserved possibility. Were I treating with an enemy indeed for a barrier town (which I certainly wish to keep or to get something for), nothing I own would be

[1] The country gentlemen tired of the war, and grown impatient for peace, left the old ministry on this question, and declared themselves the supporters of those who promised to end the war, and give peace to the country.

so absurd as to give up at starting, as a *fixed* article *before* the treaty, instead of making it the first article *of* a treaty, and dependent on the success of the rest. But I had rather have American independence (for one reason amongst others), because the bolder way of giving it up, will secure a greater certainty of peace; I would then be for giving it up in that bolder way; nay, had I some reluctance to American independence, I should still think the smallest probability added of peace, would over-balance the whole value of a mere reserved possibility of dependence, which could only, after all, arise from the failure of the treaty.

NOTE FROM LE MARQUIS DE LA FAYETTE TO DR. FRANKLIN.

Paris, July 9, 1782.

I have the honour to inform you, my dear Sir, that Mr. Grenville's express is arrived this morning by way of Ostend. That gentleman is gone to Versailles. I fancy he will wait upon you, and I shall be much obliged to you, to let me know what your opinion is. I am going to Saint Germains, but if any intelligence comes to hand will communicate it as soon as possible. I rest respectfully and affectionately, yours, LA FAYETTE.

THE ANSWER.

DEAR SIR, *Passy, July* 9, 1782.

Mr. Grenville has been with me in his return from Versailles. He tells me that Lord Rockingham being dead, Lord Shelburne is appointed first Lord of the Treasury; and that Mr. Fox has resigned; so that both the Secretaryships are vacant. That his communica-

tion to M. de Vergennes, was only that no change was thereby made in the dispositions of that Court for peace, &c., and he expects another courier with fuller instructions in a few days. As soon as I hear more I shall acquaint you with it. I am ever with great respect and affection, your most obedient humble servant,

Marquis de la Fayette. B. FRANKLIN.

To DAVID HARTLEY, ESQ. M. P.

DEAR SIR, *Passy, July* 10, 1782.

I received your favour of the 26th past by Mr. Young, and am indebted to you for some preceding. I do not know why the good work of peace goes on so slowly on your side. Some have imagined that your ministers since Rodney's success are desirous of trying fortune a little further before they conclude the war: others, that they have not a good understanding with each other. What I have just heard seems to countenance this opinion. It is said Mr. Fox has resigned. We are ready here on the part of America to enter into treaty with you, in concurrence with our allies; and are disposed to be very reasonable; but if your *plenipotentiary*, notwithstanding that character, is upon every proposition obliged to send a courier and wait an answer, we shall not soon see the happy conclusion. It has been suspected too, that you wait to hear the effect of some overtures sent by General Carleton for a separate peace in America. A vessel just arrived from Maryland, brings us the unanimous resolutions of their assembly for continuing the war at all hazards rather than violate their faith with France. This is a sample of the success to be expected from such a mea-

sure; if it has really been taken; which I hardly believe.

There is methinks a point that has been too little considered in treaties, the means of making them durable. An honest peasant from the mountains of Provence, brought me the other day a manuscript he had written on the subject, and which he could not procure permission to print. It appeared to me to have much good sense in it; and therefore I got some copies to be struck off for him to distribute where he may think fit. I send you one enclosed. This man aims at no profit from his pamphlet or his project, asks for nothing, expects nothing, and does not even desire to be known. He has acquired he tells me a fortune of near 150 crowns a year (about 18*l.* sterling) with which he is content. This you may imagine would not afford the expence of riding to Paris, so he came on foot; such was his zeal for peace and the hope of forwarding and securing it by communicating his ideas to great men here. His rustic and poor appearance has prevented his access to them; or obtaining their attention; but he does not seem yet to be discouraged. I honour much the character of this *veritable philosophe*.

I thank you much for your letters of May 1, 13, and 25, with your proposed preliminaries. It is a pleasure to me to find our sentiments so concurring on points of importance: it makes discussions as unnecessary as they might, between us, be inconvenient. I am, my dear Sir, with great esteem and affection, your's ever,

B. FRANKLIN.

Extract of a Letter to B. Vaughan, Esq.

Passy, July 10, 1782.

"By the original law of nations, war and extirpation was the punishment of injury. Humanizing by degrees, it admitted slavery instead of death. A farther step was, the exchange of prisoners instead of slavery. Another, to respect more the property of private persons under conquest, and to be content with acquired dominion. Why should not this law of nations go on improving? Ages have intervened between its several steps; but as knowledge of late increases rapidly, why should not those steps be quickened? Why should it not be agreed to as the future law of nations that in any war hereafter the following descriptions of men should be undisturbed, have the protection of both sides, and be permitted to follow their employments in surety; viz.

1. Cultivators of the earth, because they labour for the subsistence of mankind.

2. Fishermen, for the same reason.

3. Merchants and traders, in unarmed ships, who accommodate different nations by communicating and exchanging the necessaries and conveniences of life.

4. Artists and mechanics, inhabiting and working in open towns.

It is hardly necessary to add that the hospitals of enemies should be unmolested; they ought to be assisted.

In short, I would have nobody fought with but those who are paid for fighting. If obliged to take corn from the farmer, friend or enemy, I would pay him for it; the same for the fish or goods of the others.

This once established, that encouragement to war which

arises from a spirit of rapine, would be taken away, and peace therefore more likely to continue and be lasting."[1]

B. FRANKLIN.

To B. VAUGHAN, Esq.

DEAR SIR, *Passy, July* 11, 1782.

In mine of yesterday which went by Mr. Young I made no mention of yours of May 11, it not being before me. I have just now found it.

You speak of a "proposed dependent state of America, which you thought Mr. Oswald would begin with." As yet I have heard nothing of it. I have all along understood (perhaps I have understood more than was intended) that the point of dependence was given up, and that we were to be treated with as a free people. I am not sure that Mr. Oswald has explicitly said so, but I know that Mr. Grenville has, and that he was to make that declaration previous to the commencement of the treaty. It is now intimated to me from several quarters that Lord Shelburne's plan is to retain sovereignty for the king, giving us otherwise an independent parliament, and a government similar to that of late intended for Ireland. If this be really his project, our negociation for peace will not go very far; the thing is impracticable and impossible, being inconsistent with the faith we have pledged, to say nothing of the general disposition of our people. Upon the whole I should believe that though Lord S. might formerly have entertained such an idea, he had probably dropped it before

[1] See Letter and propositions to Richard Oswald, Esq. Jan. 14, 1783.

he sent Mr. Oswald here: your words above cited do however throw a little doubt into my mind, and have with the intimations of others, made me less free in communication with his lordship, whom I much esteem and honour, than I should otherwise have been. I wish therefore you would afford me what you can of eclaircissement.

This letter going by a courier will probably get to hand long before the one (preceding in date) which went by Mr. Young, who travels on foot. I therefore inclose the copy of it which was taken in the press. You may return it to me when the other arrives.

By the return of the courier, you may much oblige me, by communicating, what is fairly communicable, of the history of Mr. Fox's and Lord J. Cavendish's resignation, with any other changes made or likely to be made.

With sincere esteem, I am ever, my dear friend, your's most affectionately, B. FRANKLIN.

LETTERS TO RICHARD OSWALD, ESQ. AND TO LORD SHELBURNE.

SIR, *Passy, July* 12, 1782.

I inclose a letter for Lord Shelburne, to go by your courier, with some others of which I request his care. They may be put into the penny post. I have received a note informing me that "some opposition given by his lordship to Mr. Fox's decided *plan*, of *unequivocally acknowledging American independence*, was one cause of that gentleman's resignation;" this, from what you have told me, appears improbable. It is farther said "that Mr. Grenville thinks Mr. Fox's resignation will be fatal to the present negociation." This perhaps is as

groundless as the former. Mr. Grenville's next courier will probably clear up matters. I did understand from him that such an acknowledgment was intended previous to the commencement of the treaty; and until it is made, and the treaty formally begun, propositions and discussions seem in consideration, to be untimely; nor can I enter into particulars without Mr. Jay, who is now ill with the influenza. My letter therefore to his Lordship, is merely complimentary on his late appointment. I wish a continuance of your health, in that at present sickly city, being with sincere esteem, Sir, your most obedient and most humble servant, B. FRANKLIN.

R. Oswald, Esq.

I send you inclosed the late resolutions of the State of Maryland; by which the general disposition of people in America may be guessed, respecting any treaty to be proposed by General Carleton if intended, which I do not believe.

MY LORD, *Passy, July* 12, 1782.

Mr. Oswald informing me that he is about to dispatch a courier, I embrace the opportunity of congratulating your Lordship on your appointment to the Treasury. It is an extension of your power to do good, and in that view, if in no other, it must increase your happiness which I heartily wish; being with great and sincere respect, my Lord, your Lordship's most obedient and most humble servant, B. FRANKLIN.

Right Honourable the Earl of Shelburne.

EXTRACT OF A LETTER TO LE MARQUIS DE LA FAYETTE.

Passy, July 24, 1782.

"In answer to your questions, Mr. Oswald is doing nothing, having neither powers nor instructions; and being tired of doing nothing, has dispatched a courier requesting leave to return. He has I believe received no letters since I saw you, from Lord Shelburne. Mr. Grenville's return hither is I think doubtful, as he was particularly connected in friendship with Mr. Fox; but if he stays I suppose some other will be sent, for I do not yet see sufficient reason to think they would abandon the negociation, though from some appearances I imagine they are more intent upon dividing us, than upon making a general peace. I have heard nothing farther from Mr. Laurens, nor received any paper from him respecting Lord Cornwallis. And since that General's letter written after the battle of Camden, and ordering not only the confiscation of rebels' estates, but the hanging of prisoners, has been made public, I should not wonder if the Congress were to disallow our absolution of his parole, and recall him to America. With everlasting esteem and respect, I am, dear Sir, yours most affectionately, B. FRANKLIN."

FROM DAVID HARTLEY, ESQ. M. P. TO DR. FRANKLIN.

MY DEAR FRIEND, *London, July* 26, 1782.

You will have heard before you receive this, that Mr. Thomas Townshend is appointed Secretary of State for that department to which the American cor-

respondence belongs. He is, and has been for many years, one of my most intimate friends. A more honourable and honest man, does not exist. I have been requested, in connection with him, to undertake one branch of his office relating to America, as instrumental to some necessary arrangements in the course of a negociation for peace with America. The point which I have been requested to undertake is, the case, or rather the diversity of cases of the American refugees. I understand that in the progress of this business, I shall be referred to a correspondence with you, as matter may arise. My purpose therefore for the present is only to advertise you of this, in case you should have any preliminary matter to give or receive elucidation upon. I am very ready to undertake any matter which may be necessary or instrumental towards peace, especially in connection with my worthy friend Mr. Townshend.

You know all my principles upon American pacification, and *sweet reconciliation*. I shall always remain in the same. But the delegation of a single point to me, such as the case of the refugees, does not entitle me to advise upon the great outlines or principles of such pacific negociations. I shall retain my full reservation in such points as events may justify. My personal motive for saying this to you, is obvious. But in point of justice to those who have at present the direction of public measures in this country, I must request that this caution of mine may be accepted only as personal to myself, and not as inferential upon the conduct of others, where I am not a party. Having taken a zealous part in the principles and negociations of peace, I wish to stand clear from any collateral constructions which might affect myself, and at the

same time not to impose any collateral or inferential constructions upon others.

God prosper the work of peace and *good will* (as the means of peace) among men. I am ever your most affectionate friend, D. HARTLEY.

FROM LORD GRANTHAM TO DR. FRANKLIN.

SIR, *Whitehall, July* 26, 1782.

As the first object of my wishes is to contribute to the establishment of an honourable and lasting peace, I address myself to you without ceremony, upon the conviction that you agree with me in this principle. If I was not convinced that it was also the real system of the ministers of this country, I should not now be co-operating with them. The step they had already taken in sending Mr. Grenville to Paris, is a proof of their intentions, and as that gentleman does not return to his station there, I trust that the immediate appointment of a person to succeed him, will testify my agreement to the principles upon which he was employed. I therefore beg leave to recommend Mr. Fitzherbert[1] to your acquaintance who has the King's commands to repair to Paris.

As I have not the advantage of being known to you, I can claim no pretence for my application to you, but my public situation, and my desire to merit your confidence upon a subject of so much importance as a pacification between the parties now engaged in a calamitous war.

I have the honour to be, with great regard, Sir, your most obedient humble servant, GRANTHAM.

[1] Alleyne Fitzherbert;—since created Lord St. Helens.

FROM LORD SHELBURNE, TO DR. FRANKLIN.

SIR, *Shelburne House, July* 27, 1782.

I am much obliged by the honour of your letter of the 12th instant. You do me most acceptable justice in supposing my happiness intimately connected with that of mankind, and I can with truth assure you, it will give me great satisfaction in every situation to merit the continuance of your good opinion.

I have the honour to be, with very sincere regard, and esteem, dear Sir, your most obedient and most humble servant, SHELBURNE.

TO MR. OSWALD.

SIR, *Passy, July* 28, 1782. 8 *o'clock p. m.*

I have but this minute had an opportunity, by the departure of my company, of perusing the letters you put into my hands this afternoon; and I return them directly without waiting till our interview to-morrow morning, because I would not give a moment's delay to the delivery of those directed to other persons. The situation of Captain Asgill and his family afflicts me: but I do not see what can be done by any one here to relieve them. It cannot be supposed that General Washington has the least desire of taking the life of that gentleman. His aim is to obtain the punishment, committed on a prisoner in cold blood, by Captain Lippincott. If the English refuse to deliver up or punish this murderer, it is saying that they chuse to preserve him rather than Captain Asgill. It seems to me therefore that the application should be made to the English ministers, for positive orders directing Ge-

neral Carleton to deliver up Lippincott, which orders being obtained should be dispatched immediately by a swift sailing vessel. I do not think any other means can produce the effect desired. The cruel murders of this kind committed by the English on our people since the commencement of the war, are innumerable. The congress and their generals, to satisfy the people, have often threatened retaliation; but have always hitherto forborne to execute it, and they have often been told insultingly by their enemies, that this forbearance did not proceed from humanity but fear. General Greene, though he solemnly and publicly promised it in a proclamation, never made any retaliation for the murder of Col. Haynes, and many others in Carolina; and the people, who now think that if he had fulfilled his promise, this crime would not have been committed, clamour so loudly, that I doubt General Washington cannot well refuse what appears to them so just and necessary for their common security. I am persuaded nothing I could say to him on the occasion, would have the least effect in changing his determination. Excuse me then if I presume to advise the dispatching a courier immediately to London, proposing to the consideration of ministers the sending such orders to General Carleton directly. They would have an excellent effect in other views. The post goes to-morrow morning at ten o'clock; but as nine days have been spent in bringing the letters here by that conveyance, an express is preferable. With sincere esteem I have the honour to be, &c.

B. FRANKLIN.

To M. le Comte de Vergennes.

Sir, *Passy, August* 8, 1782.

Yesterday Mr. Oswald communicated to Mr. Jay and me, a paper he had just received from his court, being a copy of the King's order to the attorney or solicitor general to prepare a commission to pass the great seal, appointing him to treat with us, &c. and he showed us a letter from Mr. Secretary Townshend, which expresses his concern that the commission itself could not be sent by this courier, the officers who were to expedite it being in the country, which would occasion a delay of eight or ten days; but that its being then sent might be depended on, and it was hoped the treaty might in the mean time be proceeded on. Mr. Oswald left with me a copy of the paper which I inclose for your Excellency's consideration, and am with great respect, Sir, your Exlency's, &c. B. Franklin.

Answer.

A M. Franklin,

Je reçois, Monsieur, la lettre de ce jour dont vous m'avez honoré, et la copie du pouvoir que M. Oswald vous a communiqué. La forme dans laquelle il est conçu n'étant pas celle qui est usitée, je ne puis pas arrêter mon opinion à une première vue, je vais l'examiner avec la plus grande attention, et si vous voulez bien vous rendre ici Samedi matin, je pourrai en conférer avec vous, et avec M. Jay s'il lui étoit commode de vous accompagner.

J'ai l'honneur d'être, très-parfaitement, Monsieur, votre très humble, &c. De Vergennes.

Versailles, le 8 *Août*, 1782.

EXTRACT OF A LETTER TO THE HON. ROBERT R. LIVINGSTON.

Passy, August 12, 1782.

"The second changes in the ministry of England have occasioned or have afforded pretences for various delays in the negociation for peace. Mr. Grenville had two successive imperfect commissions. He was at length recalled, and Mr. Fitzherbert is now arrived to replace him, with a commission in due form to treat with France, Spain, and Holland. Mr. Oswald, who is here, is informed that a commission impowering him to treat with the commissioners of congress will pass the seals, and be sent him in a few days. Till it arrives, this court will not proceed in its own negociation. I send the enabling act, as it is called. Mr. Jay will acquaint you with what passes between him and the Spanish ambassador respecting the proposed treaty with Spain. I will only mention that my conjecture of that court's design to coop us up within the Alleghany mountains is now manifested: I hope congress will insist on the Missisipi as the boundary, and the free navigation of the river, from which they would entirely exclude us." B. FRANKLIN.

FROM DAVID HARTLEY, ESQ. M. P. TO DR. FRANKLIN.

MY DEAR FRIEND, *London, August* 16, 1782.

Yours I received by Major Young together with the work of your *véritable philosophe*, which is full of humanity. I was not, before that, at a loss where I should have looked for my *véritable philosophe* in the

present actual scene of public politics. Your honest, anxious, and unremitted endeavours towards the re-establishment of peace, must endear you to your own country, and to all mankind. Whatever may have been transacting in America, (if it can be possible that the suspicions which you mention should become true) viz. to tamper with America for a breach of faith, of which some suspicions seem to be thrown out by the provinces of Maryland and Philadelphia, I can give the strongest testimonies of the constant honour and good faith of your conduct and correspondencies; and my letters to you will bear me equal testimony, that I have never thrown out any dishonourable suggestions to you. When the proposed congress of your *véritable philosophe* shall meet, neither of us need fear its censures, upon the strictest examination of our correspondence. We will claim the poet's character of the sincere statesman,

"Who knew no thought but what the world might hear."

In times of suspicion it must be some satisfaction to both of us to know, that no line or word has ever passed between us, but what the governments of Great Britain, France, and America, might freely peruse as the words of good faith, peace and *sweet reconciliation*.

The resolutions of Maryland and Philadelphia together with the slow proceeding of our *plenipotentiaries*, and even the doubt suggested whether they may not be in waiting for events in America, give me much concern. Not being informed to a certainty of the state of the negociation, I have declined any concern with ministry upon the subject of the refugees, &c. My assistance cannot be indispensable upon that topic, but I deem it indispensable

to myself, not to be committed in unknown ground, which from the points above mentioned must appear dubious to me. These are the reasons which I gave to the minister for declining. I must at the same time give him the justice of the most absolute and unlimited professions of sincerity for peace. Whatever divisions there may have been, as you say, suspected in the cabinet, there are some of his colleagues still remaining, in whom I have the greatest confidence for sincerity and good intentions. The public prints of this country have stated what are called *shades* of difference as to the mode. Those opinions which are imputed to Mr. Fox are certainly most suitable to my opinions. I am free to confess to you that my wishes would have been to have taken the most decisive ground relating to independence, &c. immediately from the 27th of March last, viz. the accession of the change of ministry. But I agree with you in sentiment; viz. to concur with all the good that offers, when we cannot obtain all the good that we might wish. The situation of my sentiments at present is, an unbiassed neutrality of expectation, as events may justify.

I shall be obliged to you for the earliest communications of any public events in America which may come to Europe, with any public resolutions of congress or provinces, &c. and all memorials or negociations which may pass between the parties in America. I am very anxious to have the earliest informations to form my opinions upon, and to be prepared accordingly. My utmost endeavours will always be exerted to the blessed work of peace. I am ever, your affectionate D. HARTLEY.

To his Excellency J. Jay, Esq.

Dear Sir, *Passy, Sept.* 4, 1782.

Mr. Oswald's courier being returned, with directions to him, to make the independence of America the first article in the treaty, I would wait on you if I could, to discourse on the subject: but as I cannot, I wish to see you here this evening, if not inconvenient to you. With great esteem, I have the honour to be, dear Sir, your most obedient and most humble servant,

B. Franklin.

Letter and official communication from Richard Oswald, Esq. to Dr. Franklin.

Sir,

In consequence of the notice I have just now had from Mr. Jay of your desire of an extract from my last letter from the secretary of state, regarding the proposed treaty on the subject of American affairs; and my authority in relation thereto, I take the liberty to send the same inclosed; which, together with the powers contained in the commission which I had the honour of laying before you, and Mr. Jay, I am hopeful will satisfy you of the willingness and sincere desire of his majesty to give you entire content on that important subject.

This extract I would have sent before now, if I had thought you wished to have it before I had the honour of waiting on you myself; which was only delayed until I should be informed by Mr. Jay, that you was well enough to see me upon business. I heartily wish you a recovery of your health, and am, with sincere esteem and regard, Sir, your most obedient humble servant,

Paris, September 5, 1782. Richard Oswald.

(Enclosed in the foregoing.)

Extract of a Letter to RICHARD OSWALD, ESQ. from the Right Honourable THOMAS TOWNSHEND, one of his Majesty's principal Secretaries of State, dated Whitehall, Sept. 1, 1782.

SIR,

"I have received and laid before the King, your letters of the 17th, 18th, and 21st ult.; and I am commanded to signify to you his Majesty's approbation of your conduct, in communicating to the American Commissioners the fourth article of your instructions; which could not but convince them, that the negociation for peace, and the cession of independence to the Thirteen United Colonies, were intended to be carried on and concluded with the Commissioners in Europe.

Those gentlemen having expressed their satisfaction concerning that article, it is hoped they will not entertain a doubt of his Majesty's determination to exercise, in the fullest extent, the powers with which the act of parliament hath invested him, by granting to America, full, complete, and unconditional independence, in the most explicit manner, as an article of treaty.

Paris, Sept. 5, 1782. RICHARD OSWALD."

FROM DAVID HARTLEY, ESQ. M. P. TO DR. FRANKLIN.

MY DEAR FRIEND, *Hôtel d'-Yorck, Sept.* 7, 1782.

I beg of you not to forget your letter to Mr. Fox. The purpose of my journey to England will

be, to do the best in my power for things and persons, and particularly for my friends. If you have any other private letters, send them to me; I will deliver them. I hope likewise to be personally charged with the answers. I am better this morning, and shall certainly set out very early to-morrow morning. Pray give my best compliments to Mr. and Mrs. Jay, and Mr. Temple Franklin. I wish you all health till I have the pleasure of seeing you again. Your ever most affectionate friend,

D. HARTLEY.

TO RICHARD OSWALD, ESQ.

SIR, *Passy, Sept.* 8, 1782.

I have received the honour of yours, dated the 5th instant, inclosing an extract of a letter to your Excellency from the Right Hon. Thomas Townshend, one of his Majesty's principal Secretaries of State, wherein your conduct in communicating to us the fourth article of your instructions appears to have been approved by his Majesty. I suppose therefore that there is no impropriety in my requesting a copy of that instruction; and if you see none, I wish to receive it from you, hoping it may be of use in removing some of the difficulties that obstruct our proceeding. With great and sincere esteem, I am, Sir, your Excellency's most obedient and most humble servant,

B. FRANKLIN.

Copy of the fourth article of his Majesty's instructions to Richard Oswald, for his government in treating with the Commissioners of the Thirteen United Colonies of

America for a truce or peace, the said instructions being dated the 31st day of July, 1782; viz.

"4th Article. In case you find the American Commissioners are not at liberty to treat on any terms short of independence, you are to declare to them, that you have authority to make that concession. Our ardent wish for peace disposing us to purchase it at the price of acceding to the complete independence of the Thirteen Colonies, namely, New Hampshire, Massachusett's Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia in North America."

Passy, Sept. 9, 1782. RICHARD OSWALD.

TO THE RIGHT HON. THE EARL OF GRANTHAM.

MY LORD, *Passy, Sept.* 11, 1782.

A long and severe indisposition has delayed my acknowledging the receipt of the letter your Lordship did me the honour of writing to me by Mr. Fitzherbert.

You do me justice in believing that I agree with you in earnestly wishing the establishment of an honourable and lasting peace; and I am happy to be assured by your Lordship that it is the system of the ministers with whom you are co-operating. I know it to be the sincere desire of the United States, and with such dispositions on both sides, there is reason to hope that the good work in its progress will meet with little difficulty. A small one has occurred in the commencement, with which Mr. Oswald will acquaint you. I flatter myself that means will be

found on your part for removing it; and my best endeavours in removing subsequent ones (if any should arise) may be relied on.

I had the honour of being known to your Lordship's father. On several occasions he manifested a regard for me, and a confidence in me. I shall be happy if my conduct in the present important business may procure me the same rank in the esteem of his worthy successor. I am, with sincere respect, my Lord, your Lordship's most obedient and most humble servant, B. FRANKLIN.

To DAVID HARTLEY, ESQ.

MY DEAR FRIEND, *Passy, Sept.* 17, 1782.

Since those acknowledged in my last, I have received your several favours of August 16, 20, and 26. I have been a long time afflicted with the gravel and gout, which have much indisposed me for writing. I am even now in pain, but will not longer delay some answer.

I did not perfectly comprehend the nature of your appointment respecting the refugees, and I supposed you would in a subsequent letter explain it. But as I now find you have declined the service, such explanation is become unnecessary.

I did receive the paper you enquire about, intitled *Preliminaries*, and dated May, 1782,[1] but it was from you, and I know nothing of their having been communicated to this Court. The third proposition, "that in case the negociation between Great Britain, and the allies of America

[1] See page 191 of this volume.

should not succeed, but war continue between them, America should act and be treated as a neutral nation," appeared at first sight inadmissible, being contrary to our treaty. The truce too seems not to have been desired by any of the parties. With unalterable esteem and affection, I am, my dear friend, ever yours, &c. B. FRANKLIN.

FROM RICHARD OSWALD, ESQ. TO BENJAMIN FRANKLIN, ESQ.

SIR, *Paris, Sept.* 24, 1782.

Having received by a courier just now arrived, a letter from Mr. Secretary Townshend, in answer to mine which went by the messenger dispatched from hence on the 12th, I take this opportunity of Mr. Whiteford to send you a copy of it. I hope he will bring good accounts of your health, which I sincerely wish, and am, your Excellency's most obedient humble servant,

RICHARD OSWALD.

FROM THE RIGHT HON. THOMAS TOWNSHEND TO RICHARD OSWALD, ESQ. (Private.)

SIR, *Whitehall, Sept.* 20, 1782.

I received on Saturday last your packets of the 10th and 11th of this month.

A meeting of the King's confidential servants was held as soon as possible to consider the contents of them, and it was at once agreed to make the alteration in the commission proposed by Dr. Franklin and Mr. Jay. I trust that the readiness with which this proposal has been accepted, will be considered as an ample testimony of the

openness and sincerity with which the government of this country is disposed to treat with the Americans.

The commission is passing with as much dispatch as the forms of office will allow, but I thought it material that no delay should happen in giving you notice of the determination of his Majesty's council upon this subject. You will receive the commission very soon after this reaches you. I am, with great regard, Sir, your most obedient humble servant, T. TOWNSHEND.

EXTRACT OF A LETTER TO THE HON. ROBERT R. LIVINGSTON.

Passy, Sept. 26, 1782.

"The negociations for peace have hitherto amounted to little more than mutual professions of sincere desires, &c.; being obstructed by the want of due form in the English commissions appointing their plenipotentiaries. The objections made to those for treating with France, Spain, and Holland, were first removed; and by the enclosed [1] it seems that our objections to that for

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[1] The Commission here following.

COMMISSION under the Great Seal of GREAT BRITAIN, empowering RICHARD OSWALD, ESQ. to treat with the COMMISSIONERS of the THIRTEEN UNITED STATES of AMERICA.

GEORGE the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, To our trusty and well beloved Richard Oswald, of our city of London, Esq. greeting, Whereas by virtue of an Act passed in the last session of parliament, intituled, an Act to enable his Ma-

treating with us will now be removed also; so that we expect to begin in a few days our negociations. But

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jesty to conclude a peace or truce with certain Colonies in North America therein mentioned, it is recited, that it is essential to the interest, welfare, and prosperity of Great Britain and the Colonies or Plantations of New Hampshire, Massachusett's Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia in North America, that peace, intercourse, trade and commerce, should be restored between them; therefore, and for a full manifestation of our earnest wish and desire, and of that of our parliament, to put an end to the calamities of war, it is enacted, that it should and might be lawful for us, to treat, consult of, agree and conclude with any Commissioner or Commissioners, named or to be named by the said Colonies or Plantations, or any of them respectively, or with any body or bodies corporate or politic, or any assembly or assemblies, or description of men, or any person or persons whatsoever, a peace or a truce with the said Colonies or Plantations, or any of them, or any part or parts thereof, any law, act or acts of parliament, matter or thing to the contrary in any wise notwithstanding; Now know ye, that we, reposing especial trust in your wisdom, loyalty, diligence, and circumspection, in the management of the affairs to be hereby committed to your charge, have nominated and appointed, constituted and assigned, and by these presents do nominate and appoint, constitute, and assign you the said Richard Oswald to be our Commissioner in that behalf, to use and exercise all and every the powers and authorities hereby entrusted and committed to you the said Richard Oswald, and to do, perform, and execute all other matters and things hereby enjoined and committed to your care, during our will and no longer, according to the tenour of these our letters patent; And it is our royal will and pleasure, and we do hereby authorise, empower, and require you the said Richard Oswald, to treat, consult of, and con-

there are so many interests to be considered and settled in a peace between five different nations, that it will

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clude, with any Commissioners or persons vested with equal powers, by and on the part of the Thirteen United States of America, viz. New Hampshire, Massachusett's Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia in North America, a peace or a truce with the said Thirteen United States, any law, act or acts of parliament, matter or thing to the contrary in any wise notwithstanding. And it is our further will and pleasure, that every regulation, provision, matter or thing, which shall have been agreed upon between you the said Richard Oswald and such Commissioners or persons as aforesaid, with whom you shall have judged meet and sufficient to enter into such agreement, shall be fully and distinctly set forth in writing, and authenticated by your hand and seal on one side, and by the hands and seals of such Commissioners or persons on the other, and such instrument so authenticated, shall be by you transmitted to us, through one of our principal Secretaries of State. And it is our farther will and pleasure, that you the said Richard Oswald, shall promise and engage for us, and in our royal name and word, that every regulation, provision, matter, or thing, which may be agreed to and concluded by you our said Commissioner, shall be ratified and confirmed by us, in the fullest manner and extent; and that we will not suffer them to be violated or counteracted, either in whole or in part, by any person whatsoever. And we do hereby require and command all our officers, civil and military, and all others our loving subjects whatsoever, to be aiding and assisting unto you the said Richard Oswald, in the execution of this our commission, and of the powers and authorities herein contained. Provided always, and we do hereby declare and ordain, that the several offices, powers and authorities hereby granted, shall cease, deter-

be well not to flatter ourselves with a very speedy conclusion."

To the Hon. Robert R. Livingston.

Sir, *Passy Oct.* 14, 1782.

I have but just received information of this op-

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mine, and become utterly null and void, on the first day of July, which shall be in the year of our Lord one thousand seven hundred and eighty-three, although we shall not otherwise in the mean time have revoked and determined the same. And whereas in and by your commission and letters patent, under our great seal of Great Britain, bearing date the seventh day of August last, we nominated and appointed, constituted and assigned you the said Richard Oswald to be our Commissioner, to treat, consult of, agree and conclude, with any Commissioner or Commissioners named or to be named by certain Colonies or Plantations therein specified, a peace or truce with the said Colonies or Plantations; Now know ye, that we have revoked and determined, and by these presents do revoke and determine our said commission and letters patent, and all and every power, article, and thing, therein contained. In witness whereof, we have caused these our letters to be made patent.

Witness our self at Westminster, the twenty-first day of September, and the twenty-second year of our reign.

By the King himself.

YORKE.

Paris, Oct. 1, 1782. I certify, that the adjoining is a true copy of the commission, of which it purports to be a copy, and which has been shown to Dr. Franklin and Mr. Jay.

Richard Oswald,
The Commissioner therein named.

portunity, and have only time allowed to write a few lines.

In my last of the 26th past, I mentioned that the negociations for peace had been obstructed by the want of due form in the English Commissions, appointing their plenipotentiaries. In that for treating with us the mentioning our States by their public name had been avoided, which we objecting to, another is come, of which I send a copy inclosed. We have now made several preliminary propositions, which the English minister, Mr. Oswald, has approved, and sent to his Court. He thinks they will be approved there, but I have some doubts. In a few days, however, the answer expected will determine. By the first of these articles the King of Great Britain renounces for himself and successors all claim and pretension to dominion or territory within the Thirteen United States; and the boundaries are described as in our instructions; except that the line between Nova Scotia and New England is to be settled by Commissioners after the peace. By another article the fishery in the American Seas is to be freely exercised by the Americans, wherever they might formerly exercise it while united with Great Britain. By another, the citizens and subjects of each nation are to enjoy the same protection and privileges in each other's ports and countries respecting commerce, duties, &c., that are enjoyed by native subjects. The articles are drawn up very fully by Mr. Jay; who I suppose sends you a copy; if not, it will go by the next opportunity. If these articles are agreed to, I apprehend little difficulty in the rest. Something has been mentioned about the refugees and English debts, but not insisted on, as we declared at once, that whatever confiscations had been made in America,

being in virtue of the laws of particular States, the Congress had no authority to repeal those laws, and therefore could give us none to stipulate for such repeal.

The ministry here have been induced to send over M. de Rayneval, Secretary of the Council, to converse with Lord Shelburne, and endeavour to form by that means a more perfect judgment of what was to be expected from the negociation. He was five or six days in England, saw all the ministers, and returned quite satisfied that they are sincerely desirous of peace; so that the negociations now go on with some prospect of success. But the Court and people of England are very changeable. A little turn of fortune in their favour sometimes turns their heads; and I shall not think a speedy peace to be depended on till I see the treaties signed. With great esteem, I have the honour to be, Sir, &c. B. FRANKLIN.

To His Excellency JOHN ADAMS, Esq. Minister Plenipotentiary, &c.

SIR, *Passy, Oct.* 15, 1782.

A long and painful illness has prevented my corresponding with your Excellency regularly.

Mr. Jay has, I believe, acquainted you with the obstructions our peace negociations have met with, and that they are at length removed. By the next Courier expected from London, we may be able perhaps to form some judgment of the probability of success, so far as relates to our part of the peace. How likely the other powers are to settle their pretensions I cannot yet learn. In the mean time America is gradually growing more easy, by the

enemy's evacuation of their posts; as you will see by some intelligence I inclose. With great respect, I have the honour to be, &c. B. FRANKLIN.

FROM THE RIGHT HON. T. TOWNSHEND TO DR. FRANKLIN.

SIR, *Whitehall, Oct.* 23, 1782.

As Mr. Strachey[1] is going from hence to Paris with some particulars for Mr. Oswald, which were not easily to be explained in writing, I take the liberty of introducing him to your acquaintance, though I am not sure that he is not already a little known to you. The confidential situation in which he stands with me makes me particularly desirous of presenting him to you.

I believe, Sir, I am enough known to you for you to believe me, when I say, that there has not been from the beginning a single person more averse to the unhappy war, or who wishes more earnestly, than I do, for a return of peace and mutual amity between Great Britain and America. I am, with great regard, Sir, your most obedient, humble servant, T. TOWNSHEND.

ANSWER TO THE RIGHT HON. THOMAS TOWNSHEND.

One of his Majesty's principal Secretaries of State.

SIR, *Passy, Nov.* 4, 1782.

I received the letter you did me the honour of

[1] Under Secretary of State in the Department of Mr. Townshend:—(afterwards Lord Sydney).

writing to me by Mr. Strachey; and was much pleased with the opportunity it gave me of renewing and increasing my acquaintance with a gentleman of so amiable and deserving a character.[1]

I am sensible you have ever been averse to the measures that brought on this unhappy war; I have therefore no doubt of the sincerity of your wishes for a return of peace. Mine are equally earnest. Nothing therefore except the beginning of the war, has given me more concern than to learn at the conclusion of our conferences, that it is not likely to be soon ended. Be assured no endeavours on my part would be wanting to remove any difficulties that may have arisen, or even if a peace were made, to procure afterwards any changes in the treaty that might tend to render it more perfect, and the peace more durable. But we who are here at so great a distance from our constituents, have not the possibility of obtaining in a few days fresh instructions, as is the case with your negociators, and are therefore obliged to insist on what is conformable to those we have, and at the same time appears to us just and reasonable. With great esteem and respect, I have the honour to be, Sir, &c. B. FRANKLIN.

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[1] Dr. Franklin had formerly known this gentleman when he acted as Secretary to the Commission which Lord Howe and his brother the General were charged with, in America, in the year 1776; the particulars of which are related in the *Memoirs of the Life of Dr. Franklin.*

FROM HENRY STRACHEY, ESQ. TO THE MINISTERS PLENIPOTENTIARY FROM THE UNITED STATES.

GENTLEMEN, *Paris, Nov. 5*, 1782.

Knowing the expectation of the King's ministers, that full indemnity shall be provided for the whole body of refugees, either by a restitution of their property, or by some stipulated compensation for their losses, and being confident, as I have repeatedly assured you, that your refusal upon this point will be the great obstacle to a conclusion and ratification of that peace which is meant as a solid, perfect, permanent reconciliation and re-union between Great Britain and America, I am unwilling to leave Paris without once more submitting the matter to your consideration. It affects equally in my opinion the honour and humanity of your country and of ours. How far you will be justified in risking every favourite object of America, by contending against those principles, is for you to determine. Independence and more than a reasonable possession of territory seem to be within your reach. Will you suffer them to be outweighed by the gratification of resentment against individuals? I venture to assert that such a conduct hath no parallel in the history of civilized nations.

I am under the necessity of setting out by two o'clock to day; if the time is too short for your re-consideration, and final determination of this important point, I shall hope that you will enable Mr. Oswald to dispatch a messenger after me, who may be with me before morning at

Chantilly, where I propose sleeping to-night, or who may overtake me before I arrive in London, with a satisfactory answer to this letter. I have the honour to be, Gentlemen, Yours, &c. H. STRACHEY.

(Answer to the foregoing.)

To H. STRACHEY, ESQ.

SIR, *Paris, Nov.* 6, 1782.

We have been honoured with your favour of the 5th instant, and as our answer to a letter we received from Mr. Oswald on the same subject, contains our unanimous sentiments respecting it, we take the liberty of referring you to the inclosed copy of that answer. We have the honour to be, Sir, your most obedient, &c.

COPY OF THE LETTER TO MR. OSWALD.

SIR, *Nov.* 6, 1782.

In answer to the letter you did us the honour to write on the 4th instant, we beg leave to repeat what we often said in conversation, viz. that the restoration of such of the estates of refugees, as have been confiscated, is impracticable, because they were confiscated by laws of particular states, and in many instances have passed by legal titles through several hands. Besides, Sir, as this is a matter evidently appertaining to the internal polity of the separate states, the Congress by the nature of our constitution have no authority to interfere with it.

As to your demand of compensation to those persons, we forbear enumerating our reasons for thinking it ill founded: in the moment of conciliatory overtures it would not be proper to call certain scenes into view, over which a variety of considerations should induce both parties, at present to draw a veil. Permit us therefore only to repeat, that we cannot stipulate for such compensation, unless on your part it be agreed to make retribution to our citizens for the heavy losses they have sustained by the *unnecessary* destruction of their private property.

We have already agreed to an amnesty more extensive than justice required, and full as extensive as humanity could demand. We can therefore only repeat, that it cannot be extended further.

We should be sorry if the absolute impossibility of our complying further with your propositions on this head, should induce Great Britain to continue the war, for the sake of those who caused and prolonged it. But if that should be the case, we hope that the utmost latitude will not be again given to its rigours.

Whatever may be the issue of this negociation, be assured, Sir, that we shall always acknowledge the liberal, manly, and candid manner in which you have conducted it, and that we shall remain with the warmest sentiments of esteem and regard, your most obedient and very humble servants.

Article proposed by the American Plenipotentiaries.

It is agreed that his Britannic Majesty will earnestly recommend it to his parliament to provide for, and

make compensation to the merchants and shopkeepers of Boston, whose goods and merchandize were seized and taken out of their stores, warehouses and shops, by order of General Gage and others of his commanders or officers there, and also to the inhabitants of Philadelphia, for the goods taken away by his army there, and to make compensation also for the tobacco, rice, indigo, negroes, &c. seized and carried off by his armies under Generals Arnold, Cornwallis, and others, from the State of Virginia, North and South Carolina, and Georgia. And also for all vessels and cargoes belonging to the inhabitants of the said United States, which were stopped, seized, or taken, either in the ports or on the seas, by his governors or by his ships of war, before the declaration of war against the said States.

And it is further agreed, that his Britannic Majesty will also earnestly recommend it to his parliament to make compensation for all towns, villages, and farms, burnt and destroyed by his troops, or adherents, in the said United States.

FACTS.

There existed a free commerce upon mutual faith between Great Britain and America. The merchants of the former credited the merchants and planters of the latter with great quantities of goods on the common expectation that the merchants having sold the goods would make the accustomed remittances; that the planters would do the same by the labour of their negroes, and the produce of that labour, tobacco, rice, indigo, &c.

England, before the goods were sold in America, sends

an armed force, seizes those goods in the stores, some even in the ships that brought them, and carries them off. Seizes also and carries off the tobacco, rice, and indigo, provided by the planters to make returns, and even the negroes from whose labour they might hope to raise other produce for that purpose.

Britain now demands that the debts shall nevertheless be paid.

Will she, can she justly refuse making compensation for such seizures?

If a draper who had sold a piece of linen to a neighbour on credit, should follow him, take the linen from him by force, and then send a bailiff to arrest him for the debt, would any court of law or equity award the payment of the debts, without ordering a restitution of the cloth?

Will not the debtors in America cry out, that if this compensation be not made, they were betrayed by the pretended credit, and are now doubly ruined, first by the enemy, and then by the negociators at Paris, the goods and negroes sold them being taken from them, with all they had besides; and they are now to be obliged to pay for what they have been robbed of.

To Richard Oswald, Esq.

Sir, *Passy, November* 26, 1782.

You may well remember that in the beginning of our conferences, before the other commissioners arrived, on mentioning to me a retribution for the loyalists whose estates had been forfeited, I acquainted you that nothing of that kind could be stipulated by us, the confiscations

being made by virtue of laws of particular States, which the Congress had no power to contravene or dispense with, and therefore could give us no such authority in our commission. And I gave it as my opinion, honestly and cordially, that if a reconciliation was intended, no mention should be made in our negociations of those people; for they having done infinite mischief to our properties by wantonly burning and destroying farm-houses, villages, and towns, if compensation for their losses were insisted on, we should certainly exhibit against it an account of all the ravages they had committed, which would necessarily recall to view scenes of barbarity that must inflame instead of conciliating, and tend to perpetuate an enmity that we all profess a desire of extinguishing. Understanding however from you, that this was a point your ministry had at heart, I wrote concerning it to Congress, and I have lately received the following:

"By the United States in Congress assembled.

"*September* 10, 1782.

"Resolved, that the Secretary for Foreign Affairs be, and is hereby directed to obtain as speedily as possible authentic returns of the stores and other property, which have been carried off or destroyed in the course of the war by the enemy, and to transmit the same to the ministers plenipotentiary for negociating a peace.

"That in the mean time the Secretary for Foreign Affairs inform the said ministers, that many thousands of slaves and other property, to a very great amount, have been carried off or destroyed by the enemy; and that in the opinion of Congress, the great loss of property which

the citizens of the United States have sustained by the enemy, will be considered by several states as an inseparable bar to their making restitution or indemnification to the former owners of property, which has been or may be forfeited to, or confiscated by any of the States.

"In consequence of these resolutions, and the circular letters to the Secretary, the Assembly of Pennsylvania then sitting passed the following act, viz.

"The States of Pennsylvania in general Assembly.

"*Wednesday, September* 18, 1782.

"The Bill intitled 'An Act for procuring an estimate of the damages sustained by the inhabitants of Pennsylvania, from the troops and adherents to the King of Great Britain during the present war,' was read a second time.

"Ordered to be transcribed and printed for public consideration.

"Extracts from the Minutes,

"PETER Z. LLOYD,

"Clerk of the General Assembly."

"Bill intitled 'An Act for procuring an estimate of the damages sustained by the inhabitants of Pennsylvania, from the troops and adherents of the King of Great Britain during the present war.'

"Whereas great damages of the most wanton nature have been committed by the armies of the King of Great Britain or their adherents, within the territory of the United States of North America, unwarranted by the practice of civilized nations, and only to be accounted for from the

vindictive spirit of the said King and his officers. And whereas an accurate account and estimate of such damages, more especially the waste and destruction of property, may be very useful to the people of the United States of America, in forming a future treaty of peace, and in the mean time may serve to exhibit in a true light to the nations of Europe the conduct of the said King, his ministers, officers and adherents, to the end, therefore, that proper measures be taken to ascertain the damages aforesaid, which have been done to the citizens and inhabitants of Pennsylvania, in the course of the present war, within this State:

"Be it enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general Assembly met, and by the authority of the same, that in every county of this State, which has been invaded by the armies, soldiers, and adherents of the King of Great Britain, the Commissioners of every such county shall immediately meet together, each within their county, and issue directions to the assessors of the respective townships, districts, and places within such county, to call upon the inhabitants of every township and place, to furnish accounts and estimates of the damages, waste, spoil, and destruction, which have been done and committed as aforesaid, upon the property, real or personal, within the same township or place, since the first day of . . . . . which was in the year of our Lord 177 . , and the same accounts and estimates to transmit to the said Commissioners without delay. And if any person or persons shall refuse or neglect to make out such accounts and estimates, the said assessors of the township or place shall, from their own

knowledge, and by any other reasonable and lawful methods, take and render such an account and estimate of all damages done or committed as aforesaid.

"Provided always, that all such accounts and estimates, to be made out and transmitted as aforesaid, shall contain a narrative of the time and circumstances, and if in the power of the person aggrieved, the names of the general or other officer, or adherent of the enemy, by whom the damage in any case was done, or under whose orders, the army, detachment, party, or persons committing the same acted at that time, and also the name and addition of the person and persons whose property was so damaged or destroyed: and that all such accounts and estimates be made in current money, upon oath or affirmation of the sufferer, or of others having knowledge concerning the same; and that in every case it be set forth, whether the party injured had received any satisfaction for his loss, and by whom the same was given.

"And be it further enacted by the authority aforesaid, that the said Commissioners having obtained the said accounts and estimates from the assessors of the several townships and places, shall proceed to inspect and register the same in a book to be provided for that purpose, distinguishing the districts and townships, and entering those of each place together; and if any account or estimate be imperfect or not sufficiently verified and established, the said Commissioners shall have power, and they or any two of them are hereby authorised to summon and compel any person whose evidence they shall think necessary, to appear before them at a day and place to be appointed, to be examined upon oath or affirmation, concerning any

damage or injury as aforesaid; and the said Commissioners shall, upon the call and demand of the President or Vice-president of the Supreme-executive Council, deliver or send to the Secretary of the said Council, all or any of the original accounts and estimates aforesaid, and shall also deliver or send to the said Secretary, copies of the book aforesaid, or any part or parts thereof, upon reasonable notice.

"And be it further enacted by the authority aforesaid, that all losses of negroes or mulatto slaves and servants who have been deluded, and carried away by the enemies of the United States, and which have not been recovered or recompensed, shall be comprehended within the accounts and estimates aforesaid, and that the commissioners and assessors of any county, which hath not been invaded as aforesaid, shall nevertheless enquire after and procure accounts and estimates of any damages suffered by the loss of such servants, and slaves, as is herein before directed as to other property.

"And be it further enacted by the authority aforesaid, that the charges and expences of executing this act, as to the pay of the said commissioners and assessors, shall be as in other cases, with the witnesses, rewarded for their loss of time and trouble, as witnesses summoned to appear in the Courts of Quarter Sessions of the peace, and the said charges and expences shall be defrayed by the commonwealth, but paid in the first instance out of the monies in the hands of the treasurer of the county for county rates, and levies, upon orders drawn by the commissioners of the proper county."

We have not yet had time to hear what has been done

by the other Assemblies; but I have no doubt that similar acts will be made by all of them: and that the mass of evidence produced by the execution of those acts, not only of the enormities committed by those people under the direction of British Generals, but of those committed by the British troops themselves, will form a record that must render the British name odious in America to the latest generations. In that authentic record will be found the burnings of the fine town of Charlestown, near Boston, of Falmouth just before winter, when the sick, the aged, the women, and children, were driven to seek shelter where they could hardly find it; of Norfolk in the midst of winter; of New London; of Fairfield, of Esopus, &c. &c. besides near an hundred and fifty miles of unsettled country laid waste, every house and barn burnt, and many hundreds of farmers with their wives and children butchered and scalped.

The present British ministers, when they reflect a little, will certainly be too equitable to suppose, that their nation has a right to make an *unjust* war (which they have always allowed this against us to be) and to do all sorts of unnecessary mischief, unjustifiable by the practice of any civilized people, which those they make war with are to suffer, without claiming any satisfaction, but that if Britons or other adherents are in return deprived of any property, it is to be restored to them, or they are to be indemnified! The British troops can never excuse their barbarities. They were unprovoked. The loyalists may say in excuse of theirs, that they were exasperated by the loss of their estates, and it was revenge. They have then had their revenge. Is it right they should have both?

Some of these people may have merit with regard to Britain; those who espoused her cause from affection, these it may become you to reward. But there are many of them who are waverers, and were only determined to engage in it by some occasional circumstances or appearances; these have not much of either merit or demerit, and there are others who have abundance of demerit respecting your country, having by their falsehoods and misrepresentations brought on and encouraged the continuance of the war. These instead of being recompensed should be punished.

It is usual among Christian people at war to profess always a desire of peace. But if the ministers of one of the parties chose to insist particularly on a certain article which they know the others are not and cannot be empowered to agree to, what credit can they expect should be given to such professions?

Your ministers require that we should receive again into our bosoms those who have been our bitterest enemies; and restore their properties who have destroyed ours; and this while the wounds they have just given us are still bleeding. It is many years since your nation expelled the Stuarts and their adherents, and confiscated their estates. Much of your resentment against them may by this time be abated. Yet if we should insist on and propose it as an article of our treaty with you, that that family should be recalled and the forfeited estates of its friends restored, would you think us serious in our professions of earnestly desiring peace?

I must repeat my opinion that it is best for you to drop all mention of the refugees. We have proposed indeed

nothing but what we think best, both for you as well as ourselves. But if you will have them mentioned, let it be in an article which may provide that they shall exhibit accounts of their losses, to commissioners hereafter to be appointed, who shall examine the same, together with the accounts now preparing in America of the damages done by them; and state the account. And that if a balance appears in their favour it shall be paid by us to you, and by you divided among them as you shall think proper; and if the balance is found due to us, it shall be paid by you.

Give me leave however to advise you to prevent the necessity of so dreadful a discussion, by dropping the article, that we may write to America, and stop the enquiry. I have the honour to be, &c.

B. FRANKLIN.

B. VAUGHAN, ESQ. TO DR. FRANKLIN.

MY DEAREST SIR, *Paris, Nov.* 27, 1782.

I am so agitated with the present crisis, that I cannot help writing you, to beseech you again and again to meditate upon some mild expedient about the refugees, or to give a favourable ear, and helping hand to such as may turn up.

Both sides agree that the matter of expence is nothing; and the matter of honour in my opinion is least to *that* side, which has most sense and most justice on its side. It seems to me that the matter of present *peace*, and *future happiness*, are the only points of true concern to either.

If I can judge of favourable moments, the present is of all others most favourable to our views of *reconciliation*. We have liberal American Commissioners at Paris, a liberal English Commissioner, and a liberal first minister for England. All these circumstances may vanish to-morrow, if this treaty blows over.

If you wanted to break off your treaty, I am perfectly sensible that you could not do it on grounds in which America would more join with you, than this of the refugees. On the other hand, if *England* wanted to break, she could not wish for better ground on *her* side. You do not break; and therefore I conclude you *both* sincere. But in this way, I see the treaty is likely of *itself* to break. I pray then, my dearest, dearest Sir, that you would a little take this matter to heart.

If the refugees are not silenced, you must be sensible what constant prompters to evil measures you leave us, what perpetual sources of bad information. If the minister is able, on the other hand, to hold up his head on this *one* point, you must see how much easier it will be for you both to carry on the great work of reunion, as far as relates to prince and people. We are not well *informed* about the deeds of the refugees in England; and we can only *now* be well informed by publications that would do irreparable mischief.

Besides, you are the most magnanimous nation; and can excuse things to your people, which *we* can less excuse to *ours*. Not to mention, that when Congress sent you her last resolutions, she was not aware that you would be so near a settlement, as you are at present. To judge which is the hardest task, yours, or England's,

put yourself in Lord Shelburne's place. The only marks of confidence shown him at Paris, are such as he *dares not name;* and the only marks promised him, are *future* national ones. England has given much ground of confidence to America. In my opinion England will do HER business in the way of RECONCILIATION, very much in proportion, as you do your business generously at the present peace. England is to be won, as well as America is to be won; and I beg you would think with yourself and your colleagues about the means. Excuse this freedom, my dearest Sir; it is the result of a very warm heart, that thinks a little property *nothing,* to much happiness. I do not however ask you to do a dishonourable thing, but simply to save England; and to give our English ministry the means of saying on the 5th December, we have done *more* than the last ministry have done. I hope you will not think this zeal persecution; for I shall not mention this subject to you again, of my own accord.

I know you have justice on your side; I know you may talk of precedents; but there is such a thing as forgiveness, as generosity, and as a manly policy, that can share a small *loss* rather than miss a greater *good.* Yours, my dearest Sir, most devotedly, most gratefully, most affectionately, BENJAMIN VAUGHAN.

To M. LE COMTE DE VERGENNES.

SIR, *Passy, Nov.* 29, 1782.

I have the honour to acquaint your Excellency, that the Commissioners of the United States have agreed with Mr. Oswald on the preliminary articles of the peace

between those States and Great Britain. To-morrow I hope we shall be able to communicate to your Excellency a copy of them. With great respect, I have the honour to be, Sir, your Excellency's most obedient and most humble servant, B. FRANKLIN.

ARTICLES agreed upon by and between Richard Oswald, Esquire, the Commissioner of his Britannic Majesty, for treating of peace with the Commissioners of the United States of America, in behalf of his said Majesty on the one part, and John Adams, Benjamin Franklin, John Jay, and Henry Laurens, four of the Commissioners of the States, for treating of peace with the Commissioner of his said Majesty on their behalf on the other part, to be inserted in and constitute the treaty of peace proposed to be concluded between the Crown of Great Britain and the said United States, but which treaty is not to be concluded until terms of a peace shall be agreed upon between Great Britain and France, and his Britannic Majesty shall be ready to conclude such treaty accordingly.

WHEREAS reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between States, it is agreed to form the articles of the proposed treaty, on such principles of liberal equity and reciprocity, as that partial advantages (those seeds of discord) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established as to promise and secure to both perpetual peace and harmony.

Article 1. His Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay,

Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States; that he treats with them as such, and for himself, his heirs, and successors, relinquishes all claims to the government, proprietary, and territorial rights of the same, and every part thereof; and that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are, and shall be their boundaries, viz.

Article 2. From the north-west angle of Nova Scotia, viz. That angle which is formed by a line drawn due north from the source of St. Croix River, to the Highlands, along the said Highlands which divide those Rivers that empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean, to the north westermost head of Connecticut River; thence down along the middle of that River to the forty-fifth degree of North latitude, from thence by a line due West on said latitude until it strikes the River Iroquois or Cataraguy, thence along the middle of said River into Lake Ontario, through the middle of said Lake, until it strikes the communication by water between that Lake and Lake Erie, thence along the middle of said communication into Lake Erie, through the middle of said Lake until it arrives at the water communication between that Lake and Lake Huron, thence along the middle of said water communication into the Lake Huron, thence through the middle of the water communication between that Lake and Lake Superior, thence through Lake Superior, Northward of the Isles Royal and Phelipeaux, to the Long Lake, thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods, thence through the said Lake to the most North-western point thereof, and from

thence on a due West course to the River Mississippi, thence by a line to be drawn along the middle of the said River Mississippi until it shall intersect the northernmost part of the thirty-first degree of North latitude; South, by a line to be drown due East from the determination of the line last mentioned in the latitude of thirty-one degrees North of the Equator, to the middle of the river Apalachicola or Catahouche, thence along the middle thereof to its junction with the Flint River, thence straight to the head of St. Mary's River, and thence down along the middle of St. Mary's River to the Atlantic Ocean; East by a line to be drawn along the middle of the River St. Croix, from its mouth to the Bay of Fundy to its source, and from its source, directly North to the aforesaid Highlands, which divide the Rivers that fall into the Atlantic Ocean from those that fall into the River St. Lawrence, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due East from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such islands as now are or heretofore have been within the limits of the said province of Nova Scotia.

Article 3. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of any kind on the grand bank, and on all the other banks of Newfoundland, also in the Gulph of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of any kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island) and also on the coasts, bays and creeks of all other of his Britannic Majesty's dominions in America, and that the

American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled, but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

Article 4. It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts heretofore contracted.

Article 5. It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective States, to provide for the restitution of all estates, rights, and properties, which have been confiscated belonging to real British subjects; and also of the estates, rights, and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States: and that persons of any other description shall have free liberty to go to any part or parts of the Thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights, and properties as may have been confiscated, and that Congress shall also earnestly recommend to the several States a re-consideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent not only with justice and equity, but with that spirit of conciliation which on the return of the blessings of peace should universally prevail. And that Congress shall also earnestly recommend to the several States, that the estates, rights, and properties, of such last mentioned persons, shall be restored to them, they refunding to any persons who may be now in possession the *bona fide* price (where any has been given) which such persons

may have paid on purchasing any of the said lands, rights or properties, since the confiscation.

And it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

Article 6. That there shall be no future confiscations made nor any prosecutions commenced against any person or persons for, or by reason of the part which he or they may have taken in the present war, and that no person shall on that account suffer any future loss or damage either in his person, liberty, or property, and that those who may be in confinement on such charges at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecution so commenced be discontinued.

Article 7. There shall be a firm and perpetual peace between his Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other; wherefore all hostilities both by sea and land shall then immediately cease; all prisoners on both sides shall be set at liberty, and his Britannic Majesty shall with all convenient speed, and without causing any destruction or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every port, place, and harbour within the same; leaving in all fortifications the American artillery that may be therein. And shall also order and cause all archives, records, deeds, and papers, belonging to any of the said States, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong.

Article 8. The navigation of the river Mississippi from its source to the Ocean shall for ever remain free and open to the subjects of Great Britain and the citizens of the United States.

Article 9. In case it should so happen that any place or territory belonging to Great Britain or to the United States should be conquered by the arms of either from the other, before the arrival of these articles in America, it is agreed that the same shall be restored without difficulty and without requiring any compensation.

Done at Paris, November 30, 1782.

RICHARD OSWALD. (L. S.)
JOHN ADAMS. (L. S.)
B. FRANKLIN. (L. S.)
JOHN JAY. (L. S.)
HENRY LAURENS. (L. S.)

Witness.—CALEB WHITEFORD, Secretary to the British Commission.

WILLIAM TEMPLE FRANKLIN, Secretary to the American Commission.

SEPARATE ARTICLE.

It is hereby understood and agreed, that in case Great Britain at the conclusion of the present war shall recover or be put in possession of West Florida, the line of North Boundary between the said province and the United States, shall be a line drawn from the mouth of the river Yassous, where it unites with the Mississippi, due East to the river Apalachicola.

Done at Paris, the thirtieth day of November, one thousand seven hundred and eighty-two.

RICHARD OSWALD. (L. S.)
JOHN ADAMS. (L. S.)
B. FRANKLIN. (L. S.)
JOHN JAY. (L. S.)
HENRY LAURENS. (L. S.)

Attest.—CALEB WHITEFORD, Secretary to the British Commission.

Attest.—WILLIAM TEMPLE FRANKLIN, Secretary to the American Commission.

To R. R. Livingston, Esq.

[Extract.] *Passy, Dec. 5, 1782.*

"You desire to be very particularly acquainted with "every step which tends to a negociation." I am therefore encouraged to send you the first part of the journal,[1] which accidents and a long severe illness interrupted; but which from notes I have by me, may be continued if thought proper. In its present state, it is hardly fit for the inspection of congress, certainly not for public view. I confide it therefore to your prudence.

The arrival of Mr. Jay, Mr. Adams, and Mr. Laurens, relieved me from much anxiety, which must have continued, if I had been left to finish the treaty alone; and it has given me the more satisfaction, as I am sure the business has profited by their assistance.

Much of the summer had been taken up in objecting against the powers given to Great Britain, and in removing those objections, in using any expressions that might imply an acknowledgment of our independence, seemed at first industriously to be avowed. But our refusing otherwise to treat, at length induced them to get over that difficulty, and then we came to the point of making propositions. Those made by Mr. Jay and me before the arrival of the other gentlemen, you will find in the enclosed paper, No. 1, which was sent by the British plenipotentiary to London for the king's consideration. After some weeks an under secretary, Mr. Strachy, arrived; with whom we had much contestation about the boundaries and other

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[1] See page 182 of this vol.

articles which he proposed; we settled some, which he carried to London, and returned with the propositions; some adopted, others omitted or altered, and new ones added; which you will see in paper No. 2.[1] We spent many days in disputing, and at length agreed on and signed the PRELIMINARIES, which you will receive by this conveyance.[2] The British ministers struggled hard for two points; that the favors granted to the royalists should be extended, and all our fishery contracted. We silenced them on the first, by threatening to produce an account of the mischief done by those people; and as to the second, when they told us they could not possibly agree to it as we requested it, and must refer it to the ministry in London; we produced a new article to be referred at the same time, with a note of facts in support of it, both which you have, No. 3.[3] Apparently it seemed that to avoid the discussion of this, they suddenly changed their minds, dropt the design of recurring to London, and agreed to allow the fishery as demanded.

You will find in the preliminaries, some inaccurate and ambiguous expressions that want explanation, and which may be explained in the definitive treaty; and as the British ministry excluded our proposition relating to commerce, and the American prohibition of that with England, may not be understood to cease merely by our concluding a treaty of peace; perhaps we may then, if the congress shall think fit to direct it, obtain some compensation for the injuries done us as a condition of our opening again the trade. Every one of the present British

[1] This paper does not appear.

[2] See page 301 of this vol.

[3] See page 289 of this vol.

ministry has, while in the ministry, declared the war against us *unjust*, and nothing is clearer in reason, than that those who injure others by an unjust war, should make full reparation. They have stipulated too, in these preliminaries, that in evacuating our towns, they shall carry off no plunder, which is a kind of acknowledgment that they ought not to have done it before.

The reason given us for dropping the article relating to commerce, was, that some statutes were in the way, which must be repealed before a treaty of that kind could be well formed, and that this was a matter to be considered in parliament.

They wanted to bring their boundary down to the Ohio, and to settle their loyalists in the Illinois country. We did not choose such neighbours.

We communicated all the articles as soon as they were signed, to M. le Comte de Vergennes, (except the separate one) who thinks we have managed well, and told me that we had settled what was most apprehended as a difficulty in the work of a general peace, by obtaining the declaration of our independency.

December 14. I have this day learnt that the principal preliminaries between France and England are agreed on, to wit:

1st. France is to enjoy the right of fishing, and drying on all the west coast of Newfoundland, down to Cape Ray. Miquelon and St. Pierre to be restored, and may be fortified.

2nd. Senegal remains to France, and Goree to be restored. The Gambier entirely to England.

3d. All the places taken from France in the East Indies, to be restored, with a certain quantity of territory round them.

4th. In the West Indies, Grenada and the Grenadines, St. Christopher's, Nevis and Montserat, to be restored to England. St. Lucia to France. Dominique to remain with France, and St. Vincent's to be neutralized.

5th. No commissioner at Dunkirk.

The points not yet quite settled, are the territory round the places in the Indies, and neutralization of St. Vincent's. Apparently these will not create much difficulty.

Holland has yet hardly done any thing in her negociation.

Spain offers for Gibraltar to restore West Florida and the Bahamas. An addition is talked of the island of Guadaloupe, which France will cede to Spain in exchange for the other half of Hispaniola and Spain to England; but England, it is said, chose rather Porto Rico. Nothing yet concluded.

As soon as I received the commission and instructions for treating with Sweden, I waited on the Ambassador here, who told me he daily expected a courier on that subject. Yesterday he wrote a note to acquaint me that he would call on me to-day, having something to communicate to me. Being obliged to go to Paris, I waited on him, when he shewed me the full powers he had just received, and I shewed him mine. We agreed to meet on Wednesday next, exchange copies and proceed to business. His commission has some polite expressions in it, to wit: 'that his Majesty thought it for the good of his subjects to enter into a treaty of amity and commerce with the United States of America, who had established their independence so justly merited by their courage and constancy;' or to that effect. I imagine this treaty will be soon completed; if any difficulty should arise, I shall take the advice of my colleagues.

I have this day signed a common letter to you drawn up by my colleagues, which you will receive herewith. We have kept this vessel longer for two things, a passport promised us from England, and a sum to send in her; but she is likely to depart without both, being all of us impatient that congress should receive early intelligence of our proceedings, and for the money, we may probably borrow a frigate.

I am now entering on my 78th year; public business has engrossed fifty of them; I wish now to be for the little time I have left, my own master. If I live to see this peace concluded, I shall beg leave to remind the congress of their promise then to dismiss me. I shall be happy to sing with old Simeon, *now lettest thou thy servant depart in peace, for mine eyes have seen thy salvation.* With great esteem, &c. B. FRANKLIN.

(Inclosed in the foregoing.)

No. I.

ARTICLES agreed upon by and between Richard Oswald, Esq. the commissioner of his Britannic Majesty, for treating of peace with the commissioners of the United States of America, on the behalf of his said Majesty on the one part; and Benjamin Franklin, and John Jay, two of the commissioners of the said states, for treating of peace with the commissioner of his said Majesty on their behalf, on the other part.

To be inserted in, and to constitute the treaty of peace, proposed to be concluded between the crown of Great Britain and the said United States: but which treaty is not to be concluded, until his Britannic Majesty shall have agreed to the terms of peace between France and Britain, proposed or accepted by his most Christian

Majesty; and shall be ready to conclude with him such treaty accordingly. It being the duty and intention of the United States not to desert their ally, but faithfully, and in all things, to abide by, and fulfil their engagements with his most Christian Majesty.

Whereas reciprocal advantages and mutual convenience are found by experience, to form the only permanent foundation of peace and friendship between states, it is agreed to frame the articles of the proposed treaty, on such principles of liberal equality and reciprocity, as that partial advantages (those seeds of discord) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established, as to promise and secure to both the blessings of perpetual peace and harmony.

1st, His Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent states; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof: and that all disputes which might arise in future, on the subject of the boundaries of the said United States, may be prevented, it is hereby agreed and declared, that the following are, and shall remain to be their boundaries, viz.

The said states are bounded *north*, by a line to be drawn from the north west angle of Nova Scotia, along the high lands, which divide those rivers which empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northernmost head of

Connecticut river; thence down along the middle of that river to the forty-fifth degree of north latitude, and thence due west in the latitude forty-five degrees north from the equator, to the north westernmost side of the river St. Lawrence, or Cadaraqui; thence straight to the south end of the lake Nipissing, and thence straight to the source of the river Mississippi, *west* by a line to be drawn along the middle of the river Mississippi, from its source to where the said line shall intersect the thirty-first degree of north latitude; south by a line to be drawn due east from the termination of the line last mentioned, in the latitude of thirty-one degrees north of the equator to the middle of the river Appalachicola or Catahouchi; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; thence down along the middle of St. Mary's river to the Atlantic Ocean; and east by a line to be drawn along the middle of St. John's river, from its source to its mouth in the Bay of Fundy; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia, on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean.

2d. From and immediately after the conclusion of the proposed treaty, there shall be a firm and perpetual peace between his Britannic Majesty and the United States, and between the subjects of the one and the citizens of the other: wherefore all hostilities, both by sea and land, shall then immediately cease; all prisoners on both sides

shall be set at liberty: and his Britannic Majesty shall forthwith, and without causing any distinction, withdraw all his armies, garrisons, and fleets, from the said United States, and from every post, place, and harbour, within the same, leaving in all fortifications the American artillery that may be therein: and shall also order and cause all archives, records, deeds, and papers, belonging to either of the said states, or their citizens, which, in the course of the war, may have fallen into the hands of his officers, to be forthwith restored, and delivered to the proper states, and persons to whom they belong.

3d. That the subjects of his Britannic Majesty, and people of the said United States, shall continue to enjoy unmolested, the right to take fish of every kind on the banks of Newfoundland, and other places where the inhabitants of both countries used formerly, *to wit*, before the last war between France and Britain, to fish, and also to dry and cure the same at the accustomed places, whether belonging to his said Majesty, or to the United States; and his Britannic Majesty, and the said United States will extend equal privileges and hospitality to each other's fishermen as to their own.

4th. That the navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open, and that both there, and in all rivers, harbours, lakes, ports, and places, belonging to his Britannic Majesty, or to the United States, or in any part of the world, the merchants and merchants' ships, of the one and the other, shall be received, treated, and protected, like the merchants and merchants' ships of the sovereign of the country: that is to say, the British merchants, and merchant ships, on the one hand, shall enjoy in the United States, and in

all places belonging to them, the said protection and commercial privileges, and be liable only to the same charges and duties as their own merchants and merchant ships; and on the other hand the merchants and merchant ships of the United States, shall enjoy in all places belonging to his Britannic Majesty, the same protection and commercial privileges, and be liable only to the same charges and duties of British merchants and merchant ships, saving always to the chartered trading companies of Great Britain, such exclusive use and trade, and their respective posts and establishments, as neither the subjects of Great Britain, nor any of the more favoured nations participate in.

Paris, 8th October, 1782. A true copy of which has been agreed on between the American commissioners and me, to be submitted to his Majesty's consideration.

RICHARD OSWALD.

Alteration to be made in the Treaty, respecting the Boundaries of Nova Scotia, viz.

East, the true line between which and the United States shall be settled by commissioners, as soon as conveniently may be after the war.

Copy of Pass given to the ship Washington to carry over the Preliminary Articles.

(L. S.) GEORGE R.

George the Third, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c. To all Admirals, Vice Admirals, Captains, Commanders of our ships of war or privateers, Governors

of our Forts and Castles, Customhouse Comptrollers, Searchers, &c. to all and singular our officers and military and loving subjects whom it may concern, greeting, Our will and pleasure is, and we do hereby strictly charge and require you, as we do likewise pray and desire the officers and ministers of all princes and states in amity with us, to permit and suffer the vessel, called the Washington, commanded by Mr. —— Barney, belonging to the United States of North America, to sail from either of the ports of France to any port or place in North America, without any lett, hindrance, or molestation whatsoever, but on the contrary affording the said vessel all such aid and assistance as may be necessary. Given at our Court at St. James's the tenth day of December, 1782, in the twenty-third year of our reign—By his Majesty's command,

(Signed) THOMAS TOWNSHEND.

TO THE HONOURABLE R. R. LIVINGSTON, ESQ.
SECRETARY FOR FOREIGN AFFAIRS.

SIR, *Passy, Dec.* 14, 1782.

We have the honour to congratulate Congress on the signature of the preliminaries of a peace between the Crown of Great Britain and the United States of America, to be inserted in a definitive treaty so soon as the terms between the crowns of France and Great Britain shall be agreed on. A copy of the articles is here inclosed,[1] and we cannot but flatter ourselves that they will appear to Congress as they do to all of us to be consistent with the honour and interest of the United States; and we are persuaded Congress would be more fully of that opinion if they were apprized of all the circumstances, and

[1] See page 301 of this vol.

reasons which have influenced the negociation. Although it is impossible for us to go into that detail, we think it necessary nevertheless to make a few remarks on such of the articles as appear most to require elucidation.

Remarks on Article 2 relative to the Boundaries.

The Court of Great Britain insisted on retaining all the territories comprehended within the province of Quebec, by the act of parliament respecting it. They contended that Nova Scotia should extend to the river Kennebeck; and they claimed not only all the lands in the western country, and on the Mississippi, which were not expressly included in our charters and governments, but also all such Lands within them as remained ungranted by the King of Great Britain: it would be endless to enumerate all the discussions and arguments on the subject. We knew this court and Spain to be against our claims to the western country, and having no reason to think that lines more favourable could ever have been obtained, we finally agreed to those described in this article. Indeed they appear to leave us little to complain of, and not much to desire. Congress will observe, that although our northern line is in a certain part below the latitude of forty five, yet in others it extends above it, divides the Lake Superior, and gives us access to its western and southern waters, from which a line in that latitude would have excluded us.

Remarks on Article 4, respecting Creditors.

We had been informed that some of the States had confiscated British debts; but although each State has a

right to bind its own citizens, yet in our opinion it appertains solely to Congress, in whom exclusively are vested the right of making war and peace, to pass acts against the subjects of a Power with which the confederacy may be at war. It therefore only remained for us to consider, whether this article is founded in justice and good policy.

In our opinion no acts of government could dissolve the obligations of good faith, resulting from lawful contracts between individuals of the two countries, prior to the war. We knew that some of the British creditors were making common cause with the refugees, and other adversaries of our independence; besides, sacrificing private justice to reasons of state and political convenience, is always an odious measure, and the purity of our reputation in this respect in all foreign commercial countries is of infinitely more importance to us, than all the sums in question. It may also be remarked, that American and British creditors are placed on an equal footing.

Remarks on Articles 5 and 6 respecting Refugees.

These articles were among the first discussed, and the last agreed to. And had not the conclusion of their business, at the time of its date, been particularly important to the British administration, the respect which both in London and Versailles, is supposed to be due, to the honour, dignity, and interests of royalty would probably have for ever prevented our bringing this article so near to the views of congress, and the sovereign rights of the states as it now stands. When it is considered, that it was utterly impossible to render this article perfectly

consistent both with American and British ideas of honour, we presume that the middle line adopted by this article, is as little unfavourable to the former, as any that could in reason be expected.

As to the separate article, we beg leave to observe that it was our policy to render the navigation of the river Mississippi, so important to Britain, as that their views might correspond with ours on that subject. Their possessing the country on the river, north of the line from the lake of the woods, affords a foundation for their claiming such navigation. And as the importance of West Florida to Britain was for the same reason rather to be strengthened than otherwise, we think it advisable to allow them the extent contained in the separate article, especially as before the war it had been annexed by Britain to West Florida, and would operate as an additional inducement to their joining with us in agreeing that the navigation of the river should for ever remain open to both. The map used in the course of our negociations was Mitchell's.

As we had reason to imagine that the articles respecting the boundaries, the refugees, and fisheries, did not correspond with the policy of this court, we did not communicate the preliminaries to the minister, until after they were signed; and not even then the separate article. We hope that these considerations will excuse our having so far deviated from the spirit of our instructions. The Count de Vergennes on perusing the articles appeared surprized, but not displeased at their being so favourable to us.

We beg leave to add our advice that copies be sent us of the accounts directed to be taken by the different states of the unnecessary devastations and sufferings sustained

by them from the enemy in the course of the war; should they arrive before the signature of the definitive treaty they might possibly answer very good purposes. With great respect, we have the honour to be, Sir, your most obedient and most humble servants,

signed { JOHN ADAMS, B. FRANKLIN, JOHN JAY, HENRY LAURENS.

To M. LE COMTE DE VERGENNES.

SIR, *Passy, Dec.* 15, 1782.

I have the honour to acquaint your Excellency, that our courier is to set out to-morrow at ten o'clock, with the dispatches we send to Congress, by the Washington, Captain Barney, for which ship we have got a passport from the King of England. If you would make any use of this conveyance, the courier shall wait upon you to-morrow at Versailles, and receive your orders.

I hoped I might have been able to send part of the aids we have asked, by this safe vessel. I beg that your Excellency would at least inform me, what expectations I may give in my letters. I fear the Congress will be reduced to despair, when they find that nothing is yet obtained. With the greatest and most sincere respect, I am, Sir, your Excellency's most obedient and most humble servant, B. FRANKLIN.

THE ANSWER.

Je puis être surpris, Monsieur, après l'explication que j'ai eu avec vous, et la promesse que vous

m'aviez faite que vous ne presseriès pas l'obtention d'un passeport Anglois pour l'expedition du pacquet bot le Washington, que vous me fassiès part que vous avez reçu le même passeport, et que demain à dix-heures du matin votre courrier partira pour porter vos depeches. Je suis assez embarrassé, Monsieur, à expliquer votre conduite et celle de vos collegues à notre égard. Vous avez arreté vos articles préliminaires sans nous en faire part, quoique les instructions du Congrès vous pourscrivissent de ne rien faire sans la participation du Roi. Vous allez faire luire un espoir certain de paix en Amérique sans même vous informer de l'état de notre négociation. Vous êtes sage et avisé, Monsieur; vous connoissez les bienséances, vous avez rempli toute votre vie vos devoirs. Croiez vous satisfaire à ceux qui vous tiennent au Roi? Je ne veux pas porter plus loin les reflexions, je les abandonne à votre honnêteté. Quand vous aurez bien voulu satisfaire à mes doutes, je prierai le Roi de me mettre en état de répondre à vos demandes.

J'ai l'honneur d'être, avec une véritable considération, Monsieur, votre très humble et très-obéissant serviteur,

Versailles, le 15 *Xbre*, 1782. DE VERGENNES.

To M. le Comte de Vergennes.

SIR, *Passy, Dec.* 17, 1782.

I received the letter your Excellency did me the honour of writing to me on the 15th instant. The proposal of having a passport from England was agreed to by me the more willingly, as I at that time had hopes of obtaining some money to send in the Washington, and the passport would have made its transportation safer, with

that of our dispatches, and of yours also, if you had thought fit to make use of the occasion. Your Excellency objected, as I understood it, that the English ministers by their letters sent in the same ship, might convey inconvenient expectations into America. It was therefore I proposed not to press for the passport till your preliminaries were also agreed to. They have sent the passport without being pressed to do it, and they have sent no letters to go under it, and ours will prevent the inconvenience apprehended. In a subsequent conversation your Excellency mentioned your intention of sending some of the King's cutters, whence I imagined that detaining the Washington was no longer necessary; and it was certainly incumbent on us to give Congress as early an account as possible of our proceedings, who might think it extremely strange to hear of them by other means, without a line from us. I acquainted your Excellency however with our intention of dispatching that ship, supposing you might possibly have something to send by her.

Nothing has been agreed in the preliminaries contrary to the interests of France; and no peace is to take place between us and England, till you have concluded yours. Your observation is however apparently just, that in not consulting you before they were signed, we have been guilty of neglecting a point of *bienséance*. But as this was not from want of respect for the King, whom we all love and honour, we hope it will be excused, and that the great work which has hitherto been so happily conducted, is so nearly brought to perfection, and is so glorious to his reign, will not be ruined by a single indiscretion of ours. And certainly the whole edifice sinks to the ground immediately,

if you refuse on that account to give us any farther assistance.

We have not yet dispatched the ship, and I beg leave to wait upon you on Friday for your answer.

It is not possible for any one to be more sensible than I am, of what I and every American owe to the King, for the many and great benefits and favours he has bestowed upon us. All my letters to America are proofs of this; all tending to make the same impressions on the minds of my countrymen, that I felt in my own. And I believe that no prince was ever more beloved and respected by his own subjects than the King is by the people of the United States. The English, I just now learn, flatter themselves they have already divided us. I hope this little misunderstanding will therefore be kept a perfect secret, and that they will find themselves totally mistaken.' With great

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[1] Dr. Franklin thus adroitly endeavoured to soothe the minister's justifiable discontent; but the *private* motives which induced the American plenipotentiaries to deviate from their instructions, and from the expectations of the French government, by signing Preliminary Articles of Peace with the British commissioner, while the negociation between France and Great Britain was undetermined, and without the knowledge of Count De Vergennes; were their apprehension of a disposition in the Court of France to abridge the right of the Americans to fish on their own coast; which apprehension had been excited by a letter written from Philadelphia to Count De Vergennes, by Mons. Marbois, (Secretary of the French embassy), and which being intercepted and decyphered by the British government, had been sent by the latter, through Mr. Oswald, to the American commissioners. Also the apprehension of a design in the Court of Spain to hinder the United States from forming settlements to the westward of the Alleghany Mountains; which apprehension had been excited by

and sincere respect, I am, Sir, your Excellency's most obedient and most humble servant, B. FRANKLIN.

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the pretensions which Count d'Aranda, the Spanish ambassador, had advanced in his negociation with Mr. Jay.

The following is a translation of the decyphered Letter of M. De Marbois.

TRANSLATION OF AN INTERCEPTED AND DECYPHERED LETTER FROM M. DE MARBOIS TO M. LE COMTE DE VERGENNES.

SIR, *Philadelphia, March* 13, 1782.

South Carolina again enjoys the benefit of a legislative body, after having been deprived of it for two years; it was summoned together towards the end of last year, and met in January at Jacksonburgh, only ten leagues distant from Charlestown; where deliberations are carried on with as much tranquillity as if the state was in profound peace. Mr. Rutledge, who was then governor, opened the meeting with a Speech greatly applauded, wherein he represents in their full extent, the important services rendered by the King to the United States, expressing their just acknowledgments for the same. This sentiment prevails much, Sir, the different States are eager to declare it, in their public acts, and the principal members of government, and the writers employed by them would forfeit their popularity were they to admit any equivocal remarks respecting the alliance. General Green affirms that in no one state is attachment to independence carried to a higher pitch, but that this affection is yet exceeded by the hatred borne to England. The assembly of Carolina is going to make levies of men, and has imposed pretty large sums; as there is but little Money in the country, the taxes will be gathered in indigo; and what deficiency may then be found, will be supplied by the sale of lands of such Carolinians as joined the enemy while they were in possession of the country. South Carolina was the only state that had not confiscated the property of the disaffected. The step just taken puts her on a footing with the other states of the union. The assembly of this state has

A son Excellence M. Franklin.

Versailles, le 25 Xbre. 1782.

J'ai l'honneur de vous envoyer, Monsieur, mes dépeches pour M. le Chevalier de la Luzerne: le paquet est volumineux, mais il renferme beaucoup de duplicats.

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passed a resolution, in consequence of which a purchase of land is to be made of the value of 240,000 livres tournois, which Carolina makes a present of to General Green, as the saviour of that province.

Mr. Matthews, a delegate from Congress, lately arrived in Carolina, has, it is said, been chosen governor in the room of Mr. Rutledge: he has communicated to persons of the most influence in his state, the ultimatum of the month of . . . . . last, who approved of the clauses in general, and particularly that one which leaves the King master of the terms of the treaty of peace or truce, excepting independence, and treaties of alliance. A delegate from South Carolina told me that this ultimatum was equally well known by persons of note in his state, and this had given entire satisfaction there; it is the same with regard to several other states, and I believe I may assure you, upon the testimony of several delegates, that this measure is approved by a great majority; but Mr. Samuel Adams is using all his endeavours to raise in the state of Massachusetts a strong opposition to peace, if the eastern states are not thereby admitted to the fisheries, and particularly to that of Newfoundland. S. Adams delights in trouble and difficulty, and prides himself on forming an opposition against the government, whereof he is himself president. His aim and attention are to render the minority of consequence, and at this very moment he is attacking the constitution of Massachusetts, although it be in a great measure his own work, but he had disliked it since the people had shown their uniform attachment to it. It may be

Je voudrois pouvoir lui mander que notre négociation est au même point que la votre, mais elle en est encore

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expected that with this disposition, no measure can meet the approval of Mr. S. Adams, and if the United States should agree relative to the fisheries, and be certain of partaking therein, all his manœuvres and intrigues would be directed towards the conquest of Canada, and Nova Scotia; but he could not have used a fitter engine than the fisheries for stirring up the passions of the eastern people. By renewing this question which had lain dormant during his two years absence from Boston, he has raised the expectation of the people of Massachusetts to an extraordinary pitch. The public prints hold forth the importance of the fisheries; the reigning toast in the east is, *may the United States ever maintain their right to the fisheries.* It has been often repeated in the deliberation of the general court; *No peace without fisheries.* However clear this principle may be in this matter, it would be needless and even dangerous to attempt informing the people through the public papers, but it appears to me possible to use means for preventing the consequences of success to Mr. S. Adams and his party, and I take the liberty of submitting them to your discernment and indulgence; one of those means would be for the King to cause it to be intimated to congress or to the ministers, "His surprize that the Newfoundland fisheries have been included in the additional instructions; that the United States set forth therein pretensions *without paying regard to the King's rights,* and without considering the impossibility they are under of making conquests, and keeping what belongs to Great Britain." His Majesty might at the same time cause a promise to be given to congress "of his assistance for procuring admission to the other fisheries, declaring however that he would not be answerable for the success, and that he is bound to nothing, as the treaty makes no mention of that article." This Declaration being made before the peace, the hopes of the people could not be supported, nor could it one day be said that we left them in the dark on this point. It were even to be wished that this declaration should be made

fort éloignée. Je ne puis même prevoir quelle en sera l'issue, car les difficultés naissent des facilités aux quelles

whilst New York, Charles Town and Penobscot are in the enemy's hands; our allies will be less tractable than ever upon these points whenever they recover these important posts. There are some judicious persons to whom one may speak of giving up the fisheries and the [1] . . . . . of the West for the sake of peace. But there are enthusiasts who fly out at this idea, and their numbers cannot fail encreasing when, after the English are expelled this continent, the burthen of the war will scarce be felt. It is already observable that the advocates for peace are of those who lived in the country. The inhabitants of towns whom commerce enriches, mechanics who receive there a higher pay than before war, and 5 or 6 times more than in Europe, do not wish for it: but it is a happy circumstance that this division be nearly equal in the congress and among the states, since our influence can incline the beam either for peace or war which ever way we chuse. Another means of preserving to France so important a branch of her commerce and navigation is that proposed to you, Sir, by M. . . . ., viz. the conquest of Cape Breton; it seems to me as it does to that minister the only sure means of containing within bounds, when peace is made, those swarms of smugglers who, without regard to treaties, will turn all their activity, daring spirit and means towards the fisheries, whose undertakings Congress will not perhaps have the power or the will to repress. If it be apprehended that the peace which is to put an end to the present war will prove disagreeable to any of the United States, there appears to me a certain method of guarding against the effects of this discontent, of preventing the declarations of some states and other resources which turbulent minds might employ for availing themselves of the present juncture. This would be, for his Majesty to cause a Memorial to be delivered to Congress, wherein should be stated the use made by his ministers of the powers entrusted to them by that assembly; and the impediments which may have stood in the way of a fuller satisfaction on every point. This step would certainly

[1] Supposed *Settlements*,—or *Lands*.

nous nous sommes prêtés. Il sera bon, Monsieur, que vous en preveniès le Congrès pour le prémunir contre tout ce qui peut arriver. Je ne désespère pas, *j'espère plutôt*, mais tout est encore incertain.

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be pleasing to Congress; and should it become necessary to inform the people of this memorial, it could easily be done; they would be flattered by it, and it might probably beget the voice and concurrence of the public. I submit these thoughts to you early, and although peace appears yet to be distant, Sir, by reason of delays and difficulties attending the communications, that period will be a crisis when the partizans of France and England will openly appear, and when that power will employ every means to diminish our influence, and re-establish her own; it is true the independent party will always stand in great want of our support; that the fears and jealousies which a remembrance of the former government will always produce, must operate as the safe-guard to our alliance, and as a security for the attachment of the Americans to us. But it is best to be prepared for any discontent, although it should be but temporary. It is remarked by some that as England has other fisheries besides *Newfoundland*, she may perhaps endeavour that the Americans should partake in that of the Great Bank, in order to conciliate their affection, or procure them some compensation, or create a subject of jealousy between them and us: but it does not seem likely that she will act so contrary to their true interest, and were she to do so, it will be for the better to have declared at an early period to the Americans, that their pretension is not founded, *and that his Majesty does not mean to support it.*

I here inclose, Sir, translations of the Speech made by the Governor of South Carolina to the assembly and of their answer. These interesting productions convey in a forcible manner the sentiments of the inhabitants of that state, and appeared to me worth communicating to you.

I am, &c.

(Signed) BARBÉ DE MARBOIS.

J'ai l'honneur d'être, avec une parfaite considération, Monsieur, votre très humble et très obéissant serviteur,

DE VERGENNES.

To RICHARD OSWALD, ESQ.

SIR, *Passy, Jan.* 14, 1783.

I am much obliged by your information of your intended trip to England; I heartily wish you a good journey, and a speedy return, and request your kind care of a packet for Mr. Hodgson.

I enclose two papers [1] that were read at different times by me to the commissioners; they may serve to show if you should have occasion, what was urged on the part of America on certain points; or may help to refresh your memory. I send you also another paper which I once read to you separately. It contains a proposition for improving the law of nations, by prohibiting the plundering of unarmed and usefully employed people. I rather wish than expect that it will be adopted. But I think it may be offered with a better grace by a country that is likely to suffer least and gain most by continuing the ancient practice; which is our case, as the American ships laden only with the gross productions of the earth cannot be so valuable as yours filled with sugars or with manufactures. It has not yet been considered by my colleagues; but if you should think or find that it might be acceptable on your side, I would try to get it inserted in the general treaty. I think it will do honour to the nations that establish it. With great and sincere esteem, I am, Sir, your most obedient and most humble servant, B. FRANKLIN.

[1] Uncertain what papers.

[Enclosed in the foregoing.]

Proposition relative to privateering, &c. communicated to Mr. Oswald.

It is for the interest of humanity in general, that the occasions of war, and the inducements to it should be diminished.

If rapine is abolished, one of the encouragements to war is taken away, and peace therefore more likely to continue and be lasting.

The practice of robbing merchants on the high seas, a remnant of the ancient piracy, though it may be accidentally beneficial to particular persons, is far from being profitable to all engaged in it, or to the nation that authorizes it. In the beginning of a war some rich ships not upon their guard are surprized and taken. This encourages the first adventurers to fit out more armed vessels, and many others to do the same. But the enemy at the same time become more careful, arm their merchant ships better; and render them not so easy to be taken; they go also more under protection of convoys: thus while the privateers to take them are multiplied, the vessels subject to be taken and the chances of profit are diminished, so that many cruizes are made wherein the expenses overgo the gains; and as is the case in other lotteries, though particulars have got prizes, the mass of adventurers are losers, the whole expence of fitting out all the privateers during a war, being much greater than the whole amount of goods taken. Then there is the national loss of all the labour of so many men during the time they have been employed in robbing; who besides spend what they get in riot, drunkenness, and debauchery, lose their habits of industry, are

rarely fit for any sober business after a peace, and serve only to increase the number of highwaymen and housebreakers. Even the undertakers who have been fortunate, are by sudden wealth led into expensive living, the habit of which continues when the means of supporting it ceases, and finally ruins them. A just punishment for their having wantonly and unfeelingly ruined many honest innocent traders and their families, whose subsistence was employed in serving the common interests of mankind.

Should it be agreed and become a part of the law of nations, that the cultivators of the earth are not to be molested or interrupted in their peaceable and useful employment, the inhabitants of the sugar islands would perhaps come under the protection of such a regulation, which would be a great advantage to the nations who at present hold those islands, since the cost of sugar to the consumer in those nations, consists not merely in the price he pays for it by the pound, but in the accumulated charge of all the taxes he pays in every war, to fit out fleets and maintain troops for the defence of the islands that raise the sugar, and the ships that bring it home. But the expence of treasure is not all. A celebrated philosophical writer remarks, that when he considered the wars made in Africa for prisoners to raise sugar in America, the numbers slain in those wars, the numbers that being crowded in ships perish in the transportation, and the numbers that die under the severities of slavery, he could scarce look on a morsel of sugar without conceiving it spotted with human blood. If he had considered also the blood of one another which the white nations shed in fighting for those islands, he would have imagined his sugar not as spotted only, but as thoroughly died red. On these accounts I

am persuaded that the subjects of the Emperor of Germany, and the Empress of Russia, who have no sugar islands, consume sugar cheaper at Vienna and Moscow, with all the charge of transporting it after its arrival in Europe, than the citizens of London or of Paris. And I sincerely believe, that if France and England were to decide by throwing dice which should have the whole of their sugar islands, the loser in the throw would be the gainer. The future expence of defending them would be saved: the sugars would be bought cheaper by all Europe if the inhabitants might make it without interruption, and whoever imported the sugar, the same revenue might be raised by the duties at the custom houses of the nation that consumed it. And on the whole I conceive it would be better for the nations now possessing sugar colonies to give up their claim to them, let them govern themselves, and put them under the protection of all the powers of Europe as neutral countries, open to the commerce of all, the profits of the present monopolies being by no means equivalent to the expence of maintaining them.

ARTICLE.

If war should hereafter arise between Great Britain and the United States, which God forbid, the merchants of either country then residing in the other, shall be allowed to remain nine months to collect their debts, and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance. And all fishermen, all cultivators of the earth, and all artisans or manufacturers unarmed, and inhabiting unfortified towns, villages or places, who labour for the common subsistence

and benefit of mankind, and peaceably follow their respective employments, shall be allowed to continue the same, and shall not be molested by the armed force of the enemy in whose power by the events of the war they may happen to fall; but if any thing is necessary to be taken from them, for the use of such armed force, the same shall be paid for at a reasonable price. And all merchants or traders with their unarmed vessels, employed in commerce, exchanging the products of different places, and thereby rendering the necessaries, conveniences, and comforts of human life more easy to obtain, and more general, shall be allowed to pass freely unmolested. And neither of the powers parties to this treaty, shall grant or issue any commission to any private armed vessels empowering them to take or destroy such trading ships, or interrupt such commerce.

Lettre de M. le Comte de Vergennes à Monsieur Franklin.

Il est essentiel, Monsieur, que je puisse avoir l'honneur de conferer avec vous, avec M. Adams, et avec ceux de Messieurs vos collegues, qui peuvent se trouver à Paris. Je vous prie, en consequence, Monsieur, de vouloir bien inviter ces Messieurs de se rendre à Versailles avec vous Lundi avant dix heures du matin. Il seroit bon que vous amenassiés, Monsieur, votre petit fils avec vous, il pourra nous etre necessaire pour rendre plusieurs choses d'Anglois en Francois, et même pour ecrire. L'objet dont j'ai à vous entretenir est très interressant pour les Etats Unis, vos maitres.

J'ai l'honneur d'etre avec une parfaite consideration, Monsieur, votre très humble et très obeissant serviteur,

DE VERGENNES.

Versailles, le Samedi soir 18 *Janvier*, 1783.

A M. LE COMTE DE VERGENNES.

SIR, *Passy, Jan.* 18, 1783, *at ten* P. M.

Agreeable to the notice just received from your Excellency, I shall acquaint Mr. Adams with your desire to see us on Monday before ten o'clock at Versailles, and we shall endeavour to be punctual. My other colleagues are absent, Mr. Laurens being gone to Bath in England to recover his health, and Mr. Jay into Normandy. With great respect I have the honour to be, Sir, your Excellency's, &c. B. FRANKLIN.

I shall bring my grandson as you desire.

FROM B. VAUGHAN, ESQ. TO DR. FRANKLIN.

MY DEAREST SIR, (Private) *Paris, Jan.* 18, 1783.

I cannot but in the most earnest manner and from *recent* circumstances, press your going *early* to Versailles to-morrow; and I have considerable reason to think, that your appearance there will not displease the person whom you address. I am of opinion that it is very likely that you will have the glory of having concluded the peace, by this visit; at least I am sure if the deliberations of to-morrow evening end unfavourably, that there is the strongest appearance of war; and if they end favourably, perhaps little difficulty may attend the rest.

After all, the peace will have as much that is conceded in it, as England can in any shape be made just now to relish; owing to the stubborn demands principally of Spain, who would not I believe upon any motive recede from her conquests. What I wrote about Gibraltar, arrived after the subject as I understand was canvassed, and when it of course must have appeared impolitic eagerly and immediately to revive it.

You reproved me, or rather reproved a political scheme yesterday, of which I have heard more said favourably by your *friends* at *Paris* than by any persons whatever in London. But do you, my dear sir, make *this* peace, and trust our common sense respecting another war. England, said a man of sense to me the other day, will come out of the war like a convalescent out of a disease, and must be re-established by some physic and much regimen. I cannot easily tell in what shape a bankruptcy would come upon England, and still less easily in what mode and degree it would affect us; but if your confederacy mean to bankrupt us now, I am sure we shall lose the great *fear* that would deter us from another war. Your allies therefore for policy, and for humanity's sake, will I hope stop short of this extremity; especially as we should do some mischief first to others, as well as to ourselves. I am, my dearest Sir, your ever devoted, ever affectionate, and ever obliged,

B. VAUGHAN.

To His Excellency J. Adams, Esq.

SIR, *Passy, Jan.* 19, 1783.

Late last night I received a note from Mr. de Vergennes, acquainting me that it is very essential he

should have a conference with us, and requesting I would inform my colleagues. He desires that we may be with him before ten on Monday morning. If it will suit you to call here, we may go together in my carriage. With great regard, I have the honor to be, Sir,

Your most obedient and most humble servant,

B. FRANKLIN.

Copy of MR. FITZHERBERT'S *Commission, to treat with France.*

Georgius Tertius, Dei Gratiâ, Magnæ Britanniæ Franciæ et Hiberniæ Rex, Fidei Defensor, Dux Brunsvicensis et Lunebergensis, Sacri Romani Imperii Archithesaurius et Princeps Elector &c. Omnibus et Singulis ad quos præsentes hæ Litteræ pervenerint, Salutem. Cum Belli Incendio jam nimis diu diversis orbis Terrarum Partibus flagrante, in id quam maxime incumbamus, ut Tranquillitas publica, tot Litibus controversiisque rite compositis, reduci et stabiliri possit. Cumque eâ de causâ Virum quemdam tanto negotio parem, ad bonum Fratrem nostrum Regem Christianissimum mittere decrevimus, sciatis igitur, quod nos, Fide, Industriâ, Ingenio, Perspicaciâ, et rerum usu fidelis et dilecti nobis Alleini Fitz Herbert, Armigeri, plurimum confisi, eundem nominavimus, fecimus et constituimus, sicut per præsentes, nominamus, facimus et constituimus, nostrum verum, certum et indubitatum Commissarium, Procuratorem et Plenipotentiarium, dantes et concedentes eidem omnem et omnimodam Potestatem, Facultatem Authoritatemque, necnon mandatum, generale pariter ac speciale (ita tamen ut generale speciali non deroget nec è contra) pro nobis et nostro nomine, unà cum Ministro Ministrisve prædicti

boni Fratris nostri Regis Christianissimi, sufficienti authoritate instructo vel instructis, cumque legatis, Commissariis, Deputatis, et Plenipotentiariis aliorum Principum et Statuum quorum interesse poterit, sufficienti itidem authoritate instructis, tam singulatim ac diversim, quam aggregatim ac conjunctim, congrediendi et colloquendi, atque cum ipsis de pace firmâ et stabili, sincerâque Amicitiâ et Concordiâ quantotius restituendis, conveniendi, tractandi, consulendi et concludendi, eaque omnia quæ ita conventa et conclusa fuerint pro nobis et Nostro Nomine, subsignandi, superque conclusis Tractatum Tractatusve, vel alia Instrumenta quotquot et qualia necessaria fuerint, conficiendi mutuoque tradendi, recipiendique, omniaque alia quæ ad opus supra dictum feliciter exequendum pertinent transigendi, tam amplis modo et formâ, ac vi Effectuque pari, ac nos, si interessemus, facere et præstare possemus; spondentes et in Verbo Regio promittentes, Nos omnia quæcumque à dicto nostro Plenipotentiario transigi et concludi contigerint, grata, rata et accepta omni meliori modo habituros, neque passuros unquam ut in toto vel in parte à quopiam violentur, aut ut iis in contrarium eatur. In quorum omnium majorem Fidem et Robur, præsentibus manu nostrâ regiâ signatis, magnum nostrum Magnæ Britanniæ Sigillum appendi fecimus. Quæ dabantur in Palatio nostro Divi Jacobi, Die vicesimo quarto Mensis Julii, anno Domini millesimo Septingentesimo Octogesimo secundo, Regnique nostri Vicesimo secundo.

A true copy examined by
(signed) ALLEYNE FITZHERBERT.

Translation of the Declaration, originally written in French, and signed by the American Plenipotentiaries.

We the underwritten Ministers Plenipotentiary of the United States of North America, having received from Mr. Fitz Herbert, Minister Plenipotentiary of his Britannic Majesty, a Declaration relative to a suspension of arms, to be established between his said Majesty and the said States, of which the following is a copy, viz.

"Whereas the Preliminary articles agreed to and signed this day between his Majesty the King of Great Britain, and his most Christian Majesty, on the one part, and also between his said Britannic Majesty and his Catholic Majesty on the other part, stipulate a cessation of hostilities between those three powers, which is to commence upon the exchange of the ratifications of the said preliminary articles; and whereas by the provisional treaty signed the thirtieth of November last between his Britannic Majesty and the United States of North America, it was stipulated that the said treaty should have its effect as soon as a peace between the said crowns should be established; the underwritten Minister Plenipotentiary of his Britannic Majesty declares in the name, and by the express order of the King his master, that the said United States of North America, their subjects and their possessions, shall be comprised in the suspension of arms above mentioned, and that they shall consequently enjoy the benefit of the cessation of hostilities at the same periods and in the same manner as the three crowns aforesaid, and their subjects

and possessions respectively; on condition however, that on the part and in the name of the said United States of North America there shall be delivered a similar declaration expressing their assent to the present suspension of arms, and containing an assurance of the most perfect reciprocity on their part.

"In faith whereof, we, the Minister Plenipotentiary of his Britannic Majesty, have signed the present declaration, and have thereto caused the seal of our arms to be affixed, at Versailles, this twentieth day of January one thousand seven hundred and eighty three."

(signed) ALLEYNE FITZHERBERT. (L. S.)

We have in the name of the said United States of North America, and in virtue of the powers we are vested with, received the above declaration, and do accept the same by these presents, and we do reciprocally declare that the said States shall cause to cease all hostilities against his Britannic Majesty, his subjects and possessions at the terms or periods agreed to between his said Majesty the King of Great Britain, his Majesty the King of France, and his Majesty the King of Spain, in the same manner as stipulated between these three crowns, and to have the same effect.

In faith whereof we Ministers Plenipotentiary from the United States of America, have signed the present declaration, and have hereunto affixed the seals of our arms. At Versailles the twentieth of January, one thousand seven hundred and eighty three.

(signed) JOHN ADAMS, (L. S.)
B. FRANKLIN, (L. S.)

Copy of the 1st and 22d Articles of the preliminary Treaty between France and Great Britain.

ARTICLE I.

Aussitôt que les Préliminaires seront signés et ratifiés, l'Amitié sincere sera retablie entre sa Majesté très Chretienne et sa Majesté Britannique, leurs Royaumes, Etats et sujets par mer et par terre, dans toutes les Parties du Monde; Il sera envoyé des ordres aux Armées et Escadres, ainsi qu'aux Sujets des deux Puissances de cesser toute hostilité, et de vivre dans la plus parfaite union en oubliant le passé, dont leur Souverains leur donnent l'ordre et l'Exemple; et pour l'Execution de cet Article, il sera donné de part et d'autre des Passeports de mer aux Vaisseaux qui seront expediés pour en porter la Nouvelle dans les Possessions des dites Puissances.

ARTICLE XXII.

Pour prévenir tous les Sujets de plainte et de Contestation qui pourroient naitre à l'Occasion des Prises qui pourroient être faites en Mer depuis la Signature de ces Articles préliminaires, On est convenu reciproquement que les Vaisseaux et Effets qui pourroient être pris dans la Manche et dans les Mers du Nord après l'Espace de douze Jours à compter depuis la Ratification des presents Articles préliminaires, seront de part et d'autre restitués. Que le terme sera d'un mois depuis la Manche et les Mers du Nord, jusqu'aux Isles Canaries inclusivement soit dans l'Ocean, soit dans la Mediterranée; de deux Mois depuis les dites Isles Canaries jusqu' à la Ligne équinoxiale ou l'Equateur; et enfin de

cinq mois dans tous les autres Endroits du Monde sans aucune exception ni autre Distinction plus particulière de tems et de lieux.

AMERICAN PASSPORT FOR BRITISH SHIPS.

We John Adams, Benjamin Franklin, and John Jay, three of the Ministers Plenipotentiary of the United States of America for making peace with Great Britain; To all Captains or Commanders of ships of war, privateers, or armed vessels belonging to the said States or to either of them, or to any of the citizens of the same, And to all others whom these presents may concern, Send Greeting.

Whereas peace and amity is agreed on between the said United States and his Britannic Majesty, and a suspension of hostilities to take place at different periods in different places hath also been agreed upon by their respective Plenipotentiaries. And whereas it hath been further agreed by the said Plenipotentiaries, to exchange one hundred passports for merchant vessels, to the end that such as shall be provided with them, shall be exempted from capture although found in latitudes at a time prior to the taking place of the said suspension of hostilities therein. Now therefore know ye that free passport, licence and permission is hereby given to the . . . . . commander now lying at the port of . . . . . and bound from thence to . . . . . And we do earnestly enjoin upon and recommend to you, to let and suffer the said vessel to pass unmolested to her destined port, and if need be, to afford her all such succour and aid as circumstances and humanity may require.

Given under our hands and seals at Paris on the day of in the year of our Lord 1783.

Proclamation for the Cessation of Hostilities.

By the King,

A Proclamation, declaring the cessation of arms, as well by sea as land, agreed upon between his Majesty the most Christian King, the King of Spain, the States General of the United Provinces and the United States of America, and enjoining the observance thereof.

George R.

Whereas provisional articles were signed at Paris, on the thirtieth day of November last, between our Commissioner for treating of peace with the Commissioners of the United States of America, and the Commissioners of the said States, to be inserted in and to constitute the treaty of peace proposed to be concluded between us and the said United States, when terms of peace should be agreed upon between us and his most Christian Majesty: and whereas preliminaries for restoring peace between us and his most Christian Majesty were signed at Versailles on the twentieth day of January last, by the ministers of us and the most Christian King; and whereas preliminaries for restoring peace between us and the King of Spain, were also signed at Versailles on the twentieth day of January last, between the ministers of us and the King of Spain: and whereas for putting an end to the calamity of war as soon and as far as may be possible, it hath been agreed between us, his Most Christian Ma-

jesty, the King of Spain, the States General of the United Provinces, and the United States of America, as follows, that is to say.

That such vessels and effects as should be taken in the channel and in the North Seas, after the space of twelve days, to be computed from the ratification of the said preliminary articles, should be restored on all sides. That the term should be one month from the channel, and the North Seas, as far as the Canary Islands inclusively, whether in the ocean or in the Mediterranean; two months from the said Canary Islands as far as the Equinoctial line or Equator; and lastly, five months in all other parts of the world, without any exception, or any other more particular description of time or place.

And whereas the ratifications of the said preliminary articles between us, and the Most Christian King, in due form were exchanged by the ministers of us and the Most Christian King, on the third day of this instant February, and the ratifications of the said preliminary articles between us and the King of Spain, were exchanged between the ministers of us and of the King of Spain, on the ninth day of this instant February, from which days respectively the several terms above mentioned, of twelve days, of one month, of two months, and of five months, are to be computed; and whereas it is our royal will and pleasure that the cessation of hostilities between us and the States General of the United Provinces, and the United States of America, should be agreeable to the epochs fixed between us and the Most Christian King.

We have thought fit, by and with the advice of our Privy Council, to notify the same to all our loving subjects; and we do declare, that our royal will and pleasure

is, and we do hereby strictly charge and command all our officers, both at sea and land, and all other our subjects whatsoever, to forbear all acts of hostility, either by sea or land, against his most Christian Majesty, the King of Spain, the States General of the United Provinces, and the United States of America, their vassals or subjects, from and after the respective times above mentioned, and under the penalty of incurring our highest displeasure.

Given at our court at St. James's, the fourteenth day of February, in the twenty third year of our reign, and in the year of our Lord, one thousand seven hundred and eighty three.

God save the King.

To the Ministers Plenipotentiary of the United States of America.

Gentlemen, *Paris, Feb.* 18, 1783.

I have the honor to transmit to you herewith a packet containing one hundred passports for American vessels, which I have this moment received by a courier from England.

I take this opportunity of acquainting you that a proclamation was issued out in the King's name on the 14th instant, making known the cessation of hostilities which has been agreed upon between the several belligerent powers, and declaring further that the several epochas at which the said armistice is to commence between his Majesty and the United States of North America, are to be computed from the third day of this instant February, being the day on which the ratifications of the preliminaries were exchanged between his Majesty and the most

Christian King. I must add that his Majesty was induced to take this step under the firm and just expectation that you, gentlemen, will correspond to it on your parts, by adopting the same measure reciprocally in the name of the States your masters.

I have the honor to be with great regard and esteem, Gentlemen, yours, &c.

(signed) ALLEYNE FITZHERBERT.

DECLARATION OF THE CESSATION OF ARMS ON THE PART OF AMERICA.

By the Ministers Plenipotentiary of the United States of America, for making Peace with Great Britain.

A DECLARATION

Of the Cessation of Arms, as well by Sea, as Land, agreed upon between his MAJESTY the KING of GREAT BRITAIN, and the UNITED STATES of AMERICA.

Whereas preliminary articles were signed at Paris on the thirtieth day of November last, between the plenipotentiaries of his said Majesty the King of Great Britain, and of the said States, to be inserted in and to constitute the treaty of peace, to be concluded between his said Majesty and the said United States, when terms of peace should be agreed upon between his said Majesty and his most Christian Majesty: and whereas preliminaries for restoring peace between his said Majesty the King of Great Britain, and his most Christian Majesty, were signed at Versailles on the twentieth day of January last, by the respective

ministers of their said Majesties: and whereas preliminaries for restoring peace between his said Majesty the King of Great Britain and his Majesty the King of Spain, were also signed at Versailles on the twentieth day of January last, by their respective ministers: and whereas, for putting an end to the calamity of war, as soon and as far as possible, it hath been agreed between the King of Great Britain, his most Christian Majesty, the King of Spain, the States General of the United Provinces, and the United States of America, as follows, that is to say;

That such vessels and effects as should be taken in the Channel and the North Seas, after the space of twelve days, to be computed from the ratification of the said preliminary articles, should be restored on all sides; that the term should be one month from the Channel and North Seas as far as the Canary Islands inclusively, whether in the Ocean or the Mediterranean; two months from the said Canary Islands, as far as the equinoctial line or equator; and lastly, five months in all other parts of the world, without any exception, or any other more particular description of time or place.

And whereas the ratifications of the said preliminary articles between his said Majesty the King of Great Britain and his most Christian Majesty, in due form were exchanged by their ministers on the third day of this instant February, from which day the several terms abovementioned, of twelve days, of one month, of two months, and of five months, are to be computed, relative to all British and American vessels and effects.

Now therefore, we the ministers plenipotentiary from the United States of America for making peace with Great Britain, do notify to the people and citizens of the

said United States of America, that hostilities on their part against his Britannic Majesty, both by sea and land, are to cease at the expiration of the terms herein before specified therefor, and which terms are to be computed from the third day of February instant. And we do, in the name and by the authority of the said United States, accordingly warn and enjoin all their officers and citizens, to forbear all acts of hostility whatever, either by land or by sea, against his said Majesty the King of Great Britain or his subjects, under the penalty of incurring the highest displeasure of the said United States.

Given at Paris the twentieth day of February, in the year of our Lord one thousand seven hundred and eighty-three, under our hands and seals.

(Signed,) JOHN ADAMS. (L. S.)
B. FRANKLIN. (L. S.)
JOHN JAY. (L. S.)

DAVID HARTLEY, ESQ. M. P. TO DR. FRANKLIN.
With propositions.

MY DEAR FRIEND, *London, March* 12, 1783.

It is a long while since I have heard from you, or indeed since I writ to you. I heartily congratulate you on those pacific events which have already happened, and I wish to see all other final steps of conciliation succeed speedily. I send you copies of two papers which I have already communicated to Mr. Laurens; the one called *Conciliatory Propositions in March*, 1783; the other, *A Sketch of a provisional Treaty of Commerce for Opening the Ports between Great Britain and the United States of America without delay*; to each of

which is prefixed a short state of the argument on each head.

As for the news of this country, you have doubtless heard, that Lord Shelburne's administration has for some time been considered as at an end, although no other has been as yet substituted in the place of it. It was understood yesterday, and I believe with good foundation, that what is now called the Portland party have been applied to, and they are now considered as the party most likely to succeed. As far as my wishes go, such an event would be most satisfactory to me. I have known the Duke of Portland for many years, and by experience I know him to be a nobleman of the strictest honour and of the soundest whig principles, sincere and explicit in every thought and transaction, manly in his judgment, and firm in his conduct. The kingdom of Ireland, of which he was lately Lord Lieutenant, bears unanimous testimony to this character of him. The Cavendish family (a good whig name) Mr. Fox, Lord Fitzwilliam, &c. &c. form the core of his system and connections. I most earnestly wish to see a firm administration upon a whig foundation, which I should consider as a solid basis on the part of this country for a perpetual correspondence of amity and conciliation with America. I am very anxious to hear of your health. God bless you. Ever your most affectionate, D. HARTLEY.

CONCILIATORY PROPOSITIONS,

March, 1783.

Terms of peace having been agreed upon between Great Britain and France on 20th January,

1788, there need not be any farther delay in proceeding to conclude the proposed treaty between Great Britain and the United States of America, upon the basis of the provisional articles of the 30th of Nov. 1782.

It is to be observed that none of the articles of the provisional treaty are to take effect until the conclusion of the definitive treaty with America, at which time likewise all places in the American States in possession of the British arms are to be evacuated, and the British army withdrawn from the United States (by article 7.) If therefore it should be wished on the part of Great Britain to bring forward the 5th article respecting the loyalists, before the conclusion of the definitive treaty with America, the bayonet should be withdrawn from the American breast by the voluntary removal of the British troops with all convenient dispatch. This condition of the removal of the troops is likewise necessary before any provisional terms of commerce with America can take place.

By the 6th article of the provisional treaty all future confiscations in America are precluded, although the prosecutions at present subsisting are not to be stopped before the definitive treaty. But if the substantial pledge of returning amity on the part of Great Britain, viz. the removal of the troops, should be voluntarily anticipated, it would be but reasonable that all prosecutions should be immediately abated on the part of America, and to facilitate the removal of the troops, the loyalists may be permitted to remain in safety and unmolested (if they chuse to remain) from the period of removing the troops until twelve months after the definitive treaty.

There is another article of the provisional treaty, the delay of which is much to be lamented, viz. the mutual

release of prisoners of war on both sides. As this is an article of reciprocity, both sides from principles of humanity are equally interested to bring it forward into effect speedily; that those unhappy captives may not alone suffer the miseries of war in the time of peace.

Upon these considerations the following supplemental terms of treaty between Great Britain and the United States are proposed.

1. That the British troops shall be withdrawn with all convenient speed.

2. That the commissioners on both sides do proceed to the conclusion of the definitive treaty.

3. That the commissioners do speedily negociate a provisional convention of commerce (hereunto annexed) to take place immediately. The terms of this temporary convention not to be pleaded on either side in the negociation of a final and perpetual treaty of commerce between Great Britain and the United States.

4. That the commissioners do negociate a perpetual treaty of commerce.

5. That all prosecutions of the loyalists in America be immediately abated, and that they be permitted to remain until twelve months after the definitive treaty unmolested in their endeavours to obtain restitution of their estates.

6. That all prisoners on both sides be immediately released.

7. That intercourse of amity and commerce do immediately take place between Great Britain and the United States of America.

Sketch of a provisional Treaty of Commerce.

As soon as preliminaries of peace are signed with any independent states, such as Spain, France and Holland, the course of mutual commerce emerges upon the same terms and conditions as were existing antecedent to the war, the new duties imposed during the war excepted. The case between Great Britain and America is different, because America, from a dependent nation before the war, emerges an independent nation after the war. The basis therefore of provisional treaty between Great Britain and the United States would be simply to arrange such points as would emerge after the war, impracticable and discordant to the newly established independence of the American States, and to leave all others as much as possible untouched: for instance, that all instrumental regulations, such as papers, bonds, certificates, oaths, and all other documents should be between Great Britain and the United States, upon the same footing and no other than as between Great Britain and any other independent nation, but that all duties, drawbacks, bounties, rights, privileges, and all pecuniary considerations should emerge into action and effect as before. I say emerge as before, not stipulated for any fixed term, because I am speaking of a provisional *treaty*, not of a provisional *bill* of commerce for a specified period. By this means all difficulties which otherwise would be accumulated and obstruct a temporary and provisional act are avoided *in limine*. The ports will be immediately opened upon specified and known conditions. If the legislature of either country think proper to introduce on its own part any new conditions or regulations, even previous to the intended treaty

of commerce, that will not shut the ports again generally but only operate *pro tanto* according to the case; on which side soever any novel condition should arise the other will likewise be at liberty to make any corresponding regulations as between independent nations. The great object is to open the ports between Great Britain and the United States immediately on the signature of preliminaries of peace, as between France and Great Britain. By the proposition above stated, Great Britain and France, and Great Britain and the United States respectively on the subject of intercourse of commerce, would emerge again after the war, into situations relatively similar to their situation before the war.

The crown of Great Britain is enabled by the conciliatory act of 1782 to repeal, annul, make void, or suspend for any time or times the operation and effect of any act of parliament, or any clause, provision, matter or thing therein contained relating to the colonies or plantations now become the United States of America; and therefore the crown is not only competent to conclude, but likewise to carry into effect any provisional treaty of commerce with America. The first foundation must be laid in the total repeal of the prohibitory act of December, 1775, not only as prohibiting commerce between Great Britain and the United States, but as the corner stone of the war; by giving up universally all American property at sea to military plunder without any redress to be obtained by law in any British court of Admiralty. After this all obstructions from the Act of Navigation and other acts regulating the commerce of the States of America (formerly dependent upon Great Britain), may be removed. Instructions may be sent to the commissioners of the

customs to dispense with bonds, certificates, &c. which by the old laws are required to be discharged or attested by supposed governors, naval or custom-house officers in America. The questions of drawbacks, bounties, &c. after opening the ports, may remain free points of discussion and regulation, as between states having no commercial treaty subsisting between them. As the crown is competent to open an intercourse of commerce with America by treaty, this mode is preferable to any act of parliament, which may be only a jealous and suspicious convention *ex parte*. This mode by treaty avoids the accumulated difficulties which might otherwise obstruct the first opening of the ports by act of parliament, and above all it secures an alternate binding part of the bargain, which no act of parliament can do.

BREVIATE OF THE TREATY, viz. provisional for intercourse and commerce between Great Britain and the United States of America.

1. That all ports shall be mutually open for intercourse and commerce.

2. And therefore the King of Great Britain agrees for the repeal of the prohibitory acts, viz. 16 Geo. III. chap. 5, &c. The King of Great Britain likewise agrees by instructions according to the laws of Great Britain to his commissioners of customs and other officers to remove all obstructions to American ships, either entering inwards or clearing outwards, which may arise from any acts of parliament heretofore regulating the commerce of the American States, under the description of British colonies or plantations, so as to accommodate every circumstance to the reception of their ships, as the ships of independent states.

3. All duties, drawbacks, bounties, rights, privileges, and all other money considerations shall remain respecting the United States of America upon the same footing as they now remain respecting the province of Nova Scotia in America, or as if the aforesaid states had remained dependent upon Great Britain. All this subject to regulations or alterations by any future acts of the parliament of Great Britain.

4. On the part of the States of America, it is agreed that all laws prohibiting the commerce with Great Britain shall be repealed.

5. Agreed upon the same part, that all ships and merchandize of the British dominions shall be admitted upon the same terms as before the war, except any imposts laid during the war. All this subject to future regulations or alterations by the legislatures of American States respectively.

6. The principles and spirit of this treaty to be supported on either side by any necessary supplemental arrangements. No tacit compliance on the part of America in any subordinate points to be argued at any time hereafter to the prejudice of their independence.

To David Hartley, Esq. M. P.

Dear Sir, *Passy, March 23, 1783.*

I received the letter you did me the honour of writing to me requesting a recommendation to America of Mr. Joshua Grigby. I have accordingly written one; and having an opportunity the other day, I sent it under cover to Mr. Benjamin Vaughan.

The general proclamations you wished for, suspending

or rather putting an end to hostilities, are now published; so that your "heart is at rest," and mine with it. You may depend on my joining my hearty endeavours with yours, in "cultivating conciliatory principles between our two countries," and I may venture to assure you, that if your bill for a provisional establishment of the commerce had passed as at first proposed, a stipulation on our part in the definitive treaty to allow reciprocal and equal advantages and privileges to your subjects, would have been readily agreed to. With great and sincere esteem, I am ever, &c.

B. FRANKLIN.

D. HARTLEY, ESQ. M. P. TO DR. FRANKLIN.

MY DEAR FRIEND, *London, March* 31, 1783.

I send you a paper entitled, *Supplemental Treaty*, the substance of which I sent you some time ago, as I read it, in part of a speech in the House of Commons. I have given a copy of it to Mr. L., as the grounds upon which my friend the Duke of P. would have wished that any administration in which he might have taken a part should have treated with the American ministers. All negociations for the formation of a ministry in concert with the Duke of P. are at an end.

The 10th article, which is supposed to be referred to the definitive treaty, is a renewal of the same proposition which I moved in parliament some years ago, viz. on the 9th of April, 1778. I see nothing inconsistent with that proposition, either in the declaration of independence or in the treaty with France. Let it therefore remain, and emerge after the war as a point untouched by the war. I assure you my consent should not be wanting to extend

this principle between all the nations upon earth. I know full well that those nations to which you and I are bound by birth and consanguinity, would reap the earliest fruits from it; *owing no man hate, and envying no man's happiness,* I should rejoice in the lot of my own country, and on her part say to America, *Nos duo turba sumus.* I send you likewise enclosed with this some sentiments respecting the principles of some late negociations, drawn up in the shape of parliamentary motions[1] by my brother, who joins with me in sincerest good wishes to you for health and happiness, and for the peace of our respective countries, and of mankind. Your ever affectionate,

D. HARTLEY.

SUPPLEMENTAL TREATY *between Great Britain and the United States of North America.*

1. That the British troops be withdrawn from the United States with all convenient speed.

2. That all farther prosecutions of loyalists in America be immediately abated, and that they be permitted to remain until twelve months after the definitive treaty with America in safety and unmolested, in their endeavours to obtain restitution of their estates.

3. That all ports shall be mutually opened for intercourse and commerce, between Great Britain and the United States.

4. Agreed on the part of Great Britain that all prohibitory acts shall be repealed, and that all obstructions to

[1] See the same, following the *Supplemental Treaty.*

American ships either entering inwards or clearing outwards, shall be removed, which may arise from any acts of parliament heretofore regulating the commerce of the American States, under the description of British colonies and plantations, so as to accommodate every circumstance to the reception of their ships, as the ships of independent states.

5. Agreed on the part of Great Britain that all duties, rights, privileges, and all pecuniary considerations shall remain respecting the United States of America, upon the same footing as they now remain respecting the province of Nova Scotia, or as if the said States had remained dependent upon Great Britain. All this subject to regulations and alterations by any future acts of the parliament of Great Britain.

6. On the part of the American States it is agreed, that all laws prohibiting commerce with Great Britain shall be repealed.

7. Agreed on the part of the American States, that all ships and merchandize of the British dominions shall be admitted upon the same terms as before the war. All this subject to future regulations or alterations by the legislatures of the American States respectively.

8. That all prisoners on both sides be immediately released.

9. The spirit and principles of this treaty to be supported on either side by any necessary supplemental arrangements. No tacit compliance on the part of the American States in any subordinate points to be urged at any time hereafter in derogation of their independence.

Separate article to be referred to the definitive Treaty.

10. Neither shall the independence of the United States be construed any farther than as independence, absolute and unlimited in matters of government as well as commerce. Not into alienation, and therefore the subjects of his Britannic Majesty and the citizens of the United States shall mutually be considered as natural-born subjects, and enjoy all rights and privileges as such in the respective dominions and territories, in the manner heretofore accustomed.

PAPER *mentioned in the close of Mr. Hartley's Letter of March* 31, 1783.

1. That it is the opinon of this house, that whenever Great Britain thought proper to acknowledge the independence of America, the mode of putting it into effect most honourably for this country, would have been to have made the declaration of independence previous to the commencement of any treaty with any other power.

2. That a deviation from that line of conduct, has the effect of appearing to grant the independence of America solely to the demands of the House of Bourbon, and not, as was the real state of the case, from a change in the sentiments of this country, as to the object and continuance of the American war.

3. That when this house by its vote against the farther prosecution of offensive war in America, had given up the point of contest and adopted a conciliatory disposition, the pursuing those principles by an immediate and liberal negociation upon the basis of independence, at the same time expressing a readiness to conclude a general

peace with the allies of America upon honourable terms, would have been the most likely way to promote a mutual and beneficial intercourse between the two countries,—to establish peace upon a firm foundation, and would have prevented the House of Bourbon from having a right to claim any farther obligations from America, as the assertors of their independence.

4. That the minister who advised the late negociations for peace has neglected to make use of those advantages which the determination of the House put him in possession of: that, by his delay in authorizing persons properly to negociate with the American Commissioners, he has shown a reluctance to acting upon the liberal principles of granting independence to America, as the determination of Great Britain upon mature consideration of the question; and has, by such methods given advantage to the enemies of this country to promote and confirm that commerce and connection between the United States of America and themselves, which during the contest have been turned from their natural channel with this country, and which this peace so concluded has not yet contributed to restore.

THE RIGHT HON. C. J. FOX, *Secretary of State, to his Excellency* B. FRANKLIN, ESQ.

SIR, *St. James's, April* 19, 1783.

Although it is unnecessary for me to introduce to your acquaintance a gentleman so well known to you as Mr. Hartley, who will have the honour of delivering to you this letter, yet it may be proper for me to inform you

that he has the full and entire confidence of his Majesty's ministers upon the subject of his mission.

Permit me, Sir, to take this opportunity of assuring you how happy I should esteem myself if it were to prove my lot to be the instrument of completing a real and substantial reconciliation between two countries formed by nature to be in a state of friendship one with the other, and thereby to put the finishing hand to a building, in laying the first stone of which I may fairly boast that I had some share.

I have the honour to be, with every sentiment of regard and esteem, Sir, your most obedient humble servant,

C. J. Fox.

Three Articles proposed by the AMERICAN MINISTERS, *and delivered to* DAVID HARTLEY, ESQ. *the British Envoy.*

April 29, 1783.

Art. 1. It is agreed that so soon as his Britannic Majesty shall have withdrawn all his armies, garrisons, and fleets from the United States of America, and from every port, post, place, and harbour within the same, as stipulated by the 7th article of the provisional treaty of 30th of November, 1782, then and thenceforth, for and during the term of years, all rivers, harbours, lakes, ports, and places, belonging to the United States, or any of them, shall be open and free to the merchants and other subjects of the crown of Great Britain, and his trading vessels; who shall be received, treated, and protected, like the merchant and trading vessels of the state

in which they may be liable to no other charges or duties.

And reciprocally all rivers, harbours, lakes, ports, and places, under the dominion of his Britannic Majesty, shall thenceforth be open and free to the merchants and trading vessels of the said United States, and of each and every of them who shall be received, treated, and protected, like the merchants and trading vessels of Great Britain, and be liable to no other charges or duties: saving always to the chartered trading companies of Great Britain, such exclusive use and trade of their respective ports and establishments, as neither the other subjects of Great Britain, nor any of the most favoured nation, participate in.

Art. 2. It is agreed that such persons as may be in confinement in the United States of America for or by reason of the part which they may have taken in the late war, shall be set at liberty immediately on the evacuation of the said states by the troops and fleets of his Britannic Majesty.

And it is likewise agreed that all such persons who may be in confinement in any parts under the dominion of his Britannic Majesty, for or by reason of the part which they may have taken in the late war, shall at the same time be also immediately set at liberty.

Art. 3. The prisoners made respectively by the arms of his Britannic Majesty, and those of the United States of America both by land and sea, shall be immediately set at liberty without ransom, on paying the debts they may have contracted during their captivity: and each contracting party shall respectively reimburse the sums which shall have been advanced for the subsistence and

maintenance of their prisoners by the sovereign of the country where they shall have been detained according to the receipts and attested accounts, and other authentic titles which shall be produced on each side.

To his Excellency the Count de Vergennes.

Sir, *Passy, May 5, 1783.*

It was my intention to pay my devoirs at Versailles to-morrow. I thank your Excellency nevertheless for your kind admonition. I omitted two of the last three days from a mistaken apprehension that being holidays there would be no court. Mr. Laurens and Mr. Jay are both invalids; and since my last severe fit of the gout, my legs have continued so weak, that I am hardly able to keep pace with the ministers, who walk fast, especially in going up and down stairs. I beg you to be assured, that whatever deficiency there may be of strength, there is none of respect, in, Sir, your Excellency's most obedient, and most humble servant,

B. Franklin.

To David Hartley, Esq. M.P.

Dear Friend, *Passy, May 8, 1783.*

I send you enclosed the copies you desired of the papers I read to you yesterday.[1] I should be happy if I could see, before I die, the proposed improvement of the law of nations established. The miseries of mankind

[1] See the Proposition about Privateering, annexed to Letter to R. Oswald Esq. January 14, 1783.

would be diminished by it, and the happiness of millions secured and promoted. If the practice of *privateering* could be profitable to any civilized nation, it might be so to us Americans, since we are so situated on the globe, as that the rich commerce of Europe with the West Indies, consisting of manufactures, sugars, &c. is obliged to pass before our doors, which enables us to make short and cheap cruizes, while our own commerce is in such bulky low-priced articles as that ten of our ships taken by you are not equal in value to one of yours, and you must come far from home at a great expence to look for them. I hope therefore that this proposition, if made by us, will appear in its true light, as having humanity only for its motive. I do not wish to see a new Barbary rising in America, and our long extended coast occupied by piratical states. I fear lest our privateering success in the two last wars should already have given our people too strong a relish for that most mischievous kind of gaming, mixed blood; and if a stop is not now put to the practice, mankind may hereafter be more plagued with American corsairs than they have been and are with the Turkish. Try, my friend, what you can do, in procuring for your nation the glory of being, though the greatest naval power, the first who voluntarily relinquished the advantage that power seems to give them, of plundering others, and thereby impeding the mutual communications among men of the gifts of God, and rendering miserable multitudes of merchants and their families, artizans, and cultivators of the earth, the most peaceable and innocent part of the human species. With great esteem and affection, I am ever, my dear friend, yours most sincerely,

B. FRANKLIN.

[*The following Papers were delivered to the American Commissioners by David Hartley, Esq. the 15th of May*, 1783.]

EXTRACT OF A LETTER FROM THE HON. C. J. FOX TO DAVID HARTLEY, ESQ.

May 9, 1783.

"I send you enclosed the copy of a memorial I have received from the merchants trading to South Carolina and Georgia, as also the duplicate of one presented by them to Lord Shelburne in May 1782. I am to desire you will endeavour to obtain for them of the ministers plenipotentiary of the United States of America, such representations of their case, as it appears on the consideration of it justly to deserve, and I shall be much obliged to you, if you will inform me, as soon as you can, of the manner in which they receive these papers, and how far they think the persons interested may hope to obtain relief, that I may acquaint them therewith."

TO THE RIGHT HON. WILLIAM, EARL OF SHELBURNE, &c.

One of his Majesty's principal Secretaries of State.

The MEMORIAL of the subscribing Merchants trading to South Carolina and Georgia in behalf of themselves and others.

Most humbly sheweth,

That in the year 1770, the Cherokee Indians, being considerably indebted to the traders, who supplied

them with goods, and finding it impossible from the decreased number of deer to pay their debts as usual with skins, proposed to their said traders the cession of a very large body of land claimed by that nation as their property, and situated to the southward of the river Savannah, such cession to be taken by the traders as a full payment of all debts and claims whatever against the Cherokees.

That the traders having agreed the proposed cession, the Indians by some of their headmen, authorized for that purpose, formally executed the necessary deeds.

That Sir James Wright, governor of the province of Georgia, in which province the lands so ceded were situated, and the late John Stuart, Esq. the superintendant of Indian affairs for the south district of America, disapproved of the conduct of the said traders in accepting the said cession, as being contrary, not only to his Majesty's instructions, but to the several provincial laws which strictly prohibit private persons from making any purchase of lands from Indians.

That in consequence of such disapprobation the Indians persisting in their resolution of ceding the lands in question, and being thereby released from their debt, offered to make the cession to Governor Wright for that purpose, and named a day for running lines, but he declining their offer, desired they would defer their intentions until his Majesty's pleasure should be known on them.

That the ensuing year, Sir James Wright being then in England, stated the several matters above mentioned in a memorial to the Earl of Hillsborough, and proposed certain measures by which the cession of the said lands, if approved by his Majesty, might be the means not only

of answering the proposed end of the Indians, and the traders, but of bringing in a number of valuable settlers to the great advantage of the province, and consequently of the mother country.

That the said Memorial having been referred to the consideration of the lords of trade, they in a representation, dated Nov. 9, 1772, advised his Majesty to accept of the proposed cession for the intended purpose of paying the debts due to the traders from the Indians by the sale of the lands, ceded at the same time, proposing that the crown should not stand pledged either to the Indians or the traders for the payment of any part of the debts, that the debts should be fairly liquidated and confined to those contracted within certain periods, and that all monies arising from the sale of the lands so ceded should be placed in the hands of a receiver to be appointed by the governor, and after payment of the debts so to be liquidated, together with the expences of survey and means of protection to the persons settling; the same be subject to such payments upon warrant of the governor for the service of the province as his Majesty should approve and direct.

That in consequence of the above representation his Majesty was graciously pleased to give conformable instructions to Sir James Wright, who arrived in Georgia for the purpose of putting them in execution in March 1773.

That it appearing the Creek Indians had a claim upon the lands proposed to be ceded by the Cherokees as aforesaid, alledging that their ancestors had heretofore conquered those lands from that nation, that the Cherokees had acknowledged that right of conquest by abandon-

ing the possession to them, and which possession they had uniformly held, and it also appearing that the Creeks being also considerably indebted to their traders were inclined to join in the cession upon being freed from their debts, a Congress was appointed to be held at Augusta with both nations in the Month of May following for finally adjusting the terms, and formally accepting the cession of the express purpose upon which it was to be made, namely the discharge of the debts due from the Cherokees and Creeks to their respective traders.

That a Congress was accordingly held at Augusta in May 1773, by Sir James Wright and the superintendant on the part of the Crown, at which a very considerable number of the headmen of both nations attended, who after having previously deliberated upon the matter between themselves joined in a solemn and formal cession of the lands in question to his Majesty, *for the purpose of paying the debts due from their respective nations to their traders*, and the said traders appearing by themselves or their attornies did at the same time release and discharge their several debtors of both nations from all debts, claims and demands whatever.

That it must be supposed such considerable debts being due from the Indians to their traders, the latter must have been proportionably indebted to the Merchants who supplied them with goods; this in fact was the case and the merchants were obliged to take assignments from the traders of their claims, and the debts to be liquidated in payment of their several demands, and to give them a full discharge of their respective debts.

That after the lands had been ceded as aforesaid steps were taken by Sir James Wright for surveying the said

lands, settling them in distinct allotments for protecting the purchases, settling the same and particularly for adjusting and liquidating the debts claimed within certain fixed periods agreeable to his Majesty's instructions.

That in consequence of these necessary measures a progress was made in the liquidation of the debts, and certificates of the sums allowed were given to the claimants, when the disturbances in America, and particularly in Georgia prevented any further proceedings being taken therein, and your memorialists are either on their own accounts or their correspondents interested in those claims either liquidated or to be liquidated to a very considerable amount and without any dependence for reimbursement, but on the produce of the lands so ceded.

Your memorialists further beg leave to represent to your Lordship, that prior to the unhappy disputes in America several allotments of the said ceded lands were sold, but as they were given to understand, the charge of surveying, the raising and maintaining a troop of Rangers and other expences, whether necessary or not your memorialists will not take upon themselves to determine, have amounted to more than the sums received, no part of the sums due to your memorialists or their correspondents upon such of their claims as have been settled, liquidated and certified as aforesaid have been paid.

Having thus fully stated to your Lordship the circumstances that attended the cession of the lands in question, the actual ground upon which that cession was made, the motives and conditions upon which his Majesty was graciously pleased to accept the same and upon which instructions were given to Sir James Wright, it remains

for your memorialists humbly to submit to your Lordship's consideration.

That although the cession of those lands was expressly made to the Crown by the Cherokee and Creek nations, yet that it was for a particular and declared purpose, not only clearly acknowledged in the act of cession itself, but in his Majesty's instructions to his Governor; and that the Crown in this instance stands in fact in trust for the several creditors of those nations whose debts have been or may be fairly liquidated and certified by them or their assigns. The lands therefore so ceded in trust, cannot be deemed the property of the Crown unless it is at the same time acknowledged that they must stand charged with and liable to the several uncertified claims of your memorialists and their correspondents.

That the present situation of affairs affords your memorialists reason to presume that some accommodation may soon take place with the revolted colonies; upon this supposition, they have taken the liberty to trouble your Lordship with this full state of their situation, and they beg leave to assure your Lordship of their entire reliance upon your attention to it; and they are persuaded that in every event of negociation which may happen, the circumstances attending the cession made by the Cherokee and Creek Indians to his Majesty at the Congress of Augusta in May 1773, of the lands to the southward of the River Savannah, for the sole purpose of paying the debts due from their respective nations to the British traders, will be duly attended to, and that those lands will be deemed as charged with and made liable to the payment of those debts, or that some other mode of payment will be adopted

to the satisfaction of your memorialists and correspondents.

London, May 3, 1782.

TO THE RIGHT HONOURABLE CHARLES JAMES FOX,
One of his Majesty's principal Secretaries of State, &c. &c.

The MEMORIAL of the subscribing Merchants trading to South Carolina and Georgia in behalf of themselves and others.

That on the third day of May last your memorialists had the honor to present to the Earl of Shelburne, then one of his Majesty's principal Secretaries of state, a memorial of which the annexed is a copy.

That your memorialists having as they humbly apprehend clearly demonstrated therein, that certain lands on the western frontiers of the province of Georgia, were vested in the Crown by cession from the Creek and Cherokee Indians in trust for the payment of their debts, which debts have been assigned to your memorialists and their correspondents, they had entertained the most sanguine hopes and expectations that those lands would have, by the preliminary articles lately concluded between the commissioners of his Majesty and those on the part of the United States of America, been deemed subject and bound to the payment of the several demands and claims of your memorialists, but to their great surprise they find no notice taken therein of the conditions upon which those lands were vested in the Crown.

Your memorialists, as the Crown at the time of the

cession, did not stand pledged either to the Indians or their creditors for the payment of the debts, upon which condition the cession was made, could not expect or claim any right of receiving payment from the Crown, while lands ceded to his Majesty for that purpose were liable to the said payment; they humbly presume to say, that the independency of the United States of America being now acknowledged and the boundaries of those states ascertained, all lands heretofore vested in the Crown within those boundaries, and which the different Indian nations do not claim as their property, must be deemed as vested in the respective states within whose limits they are situated: and as the Indians have formally ceded the lands in question to his Majesty, and thereby renounced all right thereto, and property therein, they are to all intents and purposes a part of the state of Georgia, without any condition or being bound to make good any payment, for the purpose of which alone they were ceded to and vested in his Majesty; and your memorialists are thereby effectually barred from any claim or expectation of being paid their several demands, to which payment those lands while vested in his Majesty were liable.

Your memorialists humbly conceive that his Majesty having conceded to the State of Georgia the lands in question, without any stipulation in favour of your memorialists, that they are fully warranted in their humble expectations that some mode of payment will be adopted or other expedient proposed for their relief. And they therefore earnestly request, that taking the merit of their case into consideration, you will be pleased to lay this their humble

representation before his Majesty for his gracious pleasure therein.

GREENWOOD AND HIGGINSON.
JOHN BULT.
GRAHAM SIMPSON.
CLARK AND MILLIGAN.
JAMES JACKSON.

London, April 11, 1783.

COMMISSION OF D. HARTLEY, ESQ. *presented to the American Plenipotentiaries, May* 19, 1783.

GEORGE R.

George the third, by the Grace of God King of Great Britain, France and Ireland, defender of the Faith, Duke of Brunswick and Lunenburg, Arch treasurer and Prince Elector of the Holy Roman Empire, &c. To all to whom these Presents shall come greeting.

Whereas for the perfecting and establishing the peace and friendship and good understanding so happily commenced by the provisional articles signed at Paris the thirtieth day of November last, by the commissioners of us and our good friends the United States of America, viz. New Hampshire, Massachusets Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia in North America, and for opening, promoting and rendering perpetual the mutual intercourse of trade and commerce between our kingdoms and the dominions of the said United States, we have thought proper to invest some fit person with full powers on our part to meet and confer with the ministers

of the said United States now residing at Paris, duly authorized for the accomplishing of such laudable and salutary purposes. Now know ye, that we reposing special trust and confidence in the wisdon, loyalty, diligence and circumspection of our trusty and well beloved David Hartley, Esq. on whom we have therefore conferred the rank of our minister plenipotentiary, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint him our true, certain and undoubted commissioner, procurator and plenipotentiary; giving and granting to him all and all manner of faculty, power and authority, together with general as well as special order (so as the general do not derogate from the special, nor on the contrary) for us and in our name, to meet, confer, treat and conclude with the minister or ministers furnished with sufficient powers on the part of our said good friends the United States of America, of and concerning all such matters and things as may be requisite and necessary for accomplishing and completing the several ends and purposes herein before mentioned, and also for us and in our name to sign such treaty or treaties, convention or conventions, or other instruments whatsoever, as may be agreed upon in the premises, and mutually to deliver and receive the same in exchange and to do and perform all such other acts, matters and things as may be any ways proper and conducive to the purposes above mentioned, in as full and ample form and manner and with the like validity and effect, as we ourself, if we were present, could do and perform the same: engaging and promising, on our royal word, that we will accept, ratify and confirm in the most effectual manner all such acts, matters and things, as shall be so transacted and concluded by our

aforesaid commissioner, procurator and plenipotentiary, and that we will never suffer any person to violate the same, in the whole or in part, or to act contrary thereto. In testimony and confirmation of all which, we have caused our great seal of Great Britain to be affixed to these presents signed with our royal hand.

Given at our palace at St. James's fourteenth day of May in the year of our Lord one thousand seven hundred and eighty three, and in the twenty third year of our reign.

I David Hartley the minister above named certify the foregoing to be a true copy from my original commission, delivered to the American ministers, this 19th day of May, 1783.

(signed) D. HARTLEY.

ORDER IN COUNCIL *May* 14, 1783 *read to and left with the American Ministers this Twenty-First Day of May*, 1783, *by* D. HARTLEY, ESQ.

At the Court at St. James's, May 14, 1783.

Present, the King's most excellent Majesty in Council.

Whereas by an act of parliament passed this session, intituled, " An Act for preventing certain Instruments from being required from Ships belonging to the United States of America, and to give to his Majesty, for a limited time, certain powers, for the better carrying on Trade and Commerce between the Subjects of his Majesty's Dominions and the Inhabitants of the said United States," it is among other things enacted that during the continuance of the said act, it shall and may be lawful for his Majesty in council, by order or orders

to be issued and published from time to time, to give such directions, and to make such regulations with respect to duties, drawbacks or otherwise, for carrying on the trade and commerce between the people and territories belonging to the crown of Great Britain, and the people and territories of the said United States, as to his Majesty in council shall appear most expedient and salutary; any law, usage or custom to the contrary notwithstanding; his Majesty doth, therefore, by, and with the advice of his privy council, hereby order and direct, that any oil or any unmanufactured goods or merchandizes, being the growth or production of any of the territories of the said United States of America, may (until further order) be imported directly from thence into any of the ports of this kingdom, either in British or American ships, by British subjects, or by any of the people inhabiting in and belonging to the said United States, or any of them, and such goods or merchandizes, shall and may be entered and landed in any port in this kingdom, upon payment of the same duties as the like sort of goods are or may be subject and liable to, if imported by British subjects in British ships from any British island or plantation in America, and no other, notwithstanding such goods or merchandizes, or the ships in which the same may be brought, may not be accompanied with the certificates or other documents heretofore required by law, and it is hereby further ordered and directed that there shall be the same drawbacks, exemptions, and bounties on merchandizes and goods exported from Great Britain into the territories of the said United States of America or any of them, as are allowed upon the exportation of the like goods or merchandize, to any of the islands, plantations

or Colonies belonging to the Crown of Great Britain in America; and it is hereby farther ordered and directed, that all American ships and vessels which shall have voluntarily come into any port of Great Britain since 20th of January, 1783, shall be admitted to any entry made, shall be entitled, together with the goods and merchandizes on board the same ships and vessels, to the full benefit of this order; and the Right Honorable the Lords Commissioners of his Majesty's Treasury and the Lords Commissioners of the admiralty, are to give the necessary directions herein, as to them may respectively appertain.

WM. FAWKNER.

MR. HARTLEY'S *Observations and Propositions, left with the* AMERICAN MINISTERS *the 21st May*, 1783.

A proposition having been offered by the American Ministers, for the consideration of his Britannic Majesty's Ministers, and of the British nation, for an entire and reciprocal freedom of intercourse and commerce between Great Britain and the American United States, in the following words, viz.

"That all rivers, harbours, lakes, ports and places belonging to the United States, or any of them, shall be open and free to the merchants and other subjects of the Crown of Great Britain, and their trading vessels, who shall be received, treated and protected, like the merchants and trading vessels of the State in which they may be, and be liable to no other charges or duties.

"And reciprocally that all rivers, harbours, lakes, ports, and places under the dominion of his Britannic Majesty, shall be open and free to the merchant and trading vessels of the said United States, and of each and every of them,

who shall be received, treated and protected, like the merchants and trading vessels of Great Britain, and be liable to no other charges and duties, saving always to the chartered companies of Great Britain, and such exclusive use and trade of their respective ports and establishments, as neither the other subjects of Great Britain, or any of the most favoured nation participate in."

It is to be observed that this proposition implies a more ample participation of British commerce than the American States possessed even under their former connexion of dependence upon Great Britain, so as to amount to an entire abolition of the British Act of Navigation with respect to the thirteen United States of America; and although proceeding on their part from the most conciliatory and liberal principles of amity and reciprocity, nevertheless it comes from them as newly established States, and who, in consequence of their former condition of dependence, have never yet had any established system of national commercial laws, or of commercial connexions by treaties with other nations, free and unembarrassed of many weighty considerations, which require the most scrupulous attention and investigation on the part of Great Britain, whose ancient system of national and commercial policy is thus suddenly called upon to take a new principle for its foundation, and whose commercial engagements with other ancient States, may be most materially affected thereby. For the purpose therefore of giving sufficient time for the consideration and discussion of so important a proposition, respecting the present established system of the commercial policy and laws of Great Britain, and their subsisting commercial engagements with sovereign powers, it is proposed that a temporary intercourse of commerce shall

be established between Great Britain and the American States, previously to the conclusion of any final and perpetual compact. In this intervening period, as the strict line and measure of reciprocity from various circumstances cannot be absolutely and completely adhered to, it may be agreed that the commerce between the two countries shall revive, as nearly as can be upon the same footing and terms as formerly subsisted between them; provided always, that no concession on either side in the proposed temporary convention, shall be argued hereafter in support of any future demand or claim. In the mean time the proposition above stated may be transmitted to London requesting (with his Majesty's consent) that it may be laid before Parliament for their consideration.

It is proposed therefore, that the unmanufactured produce of the United States should be admitted into Great Britain without any other duties (those imposed during the war excepted) than those to which they were formerly liable. And it is expected in return that the produce and manufactures of Great Britain should be admitted into the United States in like manner.

If there should appear any want of reciprocity in this proposal, upon the grounds of asking admission for British manufactures into America, while no such indulgence is given to American manufactures in Great Britain; the answer is obvious, that the admission of British manufactures into America is an object of great importance, and equally productive of advantage to both countries; while on the other hand, the introduction of American manufactures into Great Britain, can be of no service to either, and may be productive of innumerable frauds, by enabling persons so disposed, to pass foreign European goods,

either prohibited or liable to great duties by the British laws, for American manufactures.

With regard to the West Indies, there is no objection to the most free intercourse between them and the United States. The only restriction proposed to be laid upon that intercourse, is prohibiting American ships carrying to those colonies any other merchandize than the produce of their own country. The same observation may be made upon this restriction as upon the former. It is not meant to affect the interest of the United States, but it is highly necessary, lest foreign ships should make use of the American flag to carry on a trade with the British West Indian Islands.

It is also proposed upon the same principle to restrain the ships that may trade to Great Britain from America, from bringing foreign merchandise into Great Britain, the necessity of this restriction is likewise evident, unless Great Britain meant to give up her whole navigation act. There is no necessity of any similar restrictions on the part of the American States, those States not having as yet any Acts of Navigation.

Proposed Agreement.

Whereas it is highly necessary that an intercourse of trade and commerce should be opened between the people and territories belonging to the Crown of Great Britain and the people and territories of the United States of America. And whereas it is highly expedient that the intercourse between Great Britain and the said United States should be established on the most enlarged principles of reciprocal benefit to both countries; but, from the distance between Great Britain and America, it must be a

considerable time before any convention or treaty for establishing and regulating the trade and intercourse between Great Britain and the said United States of America, upon a permanent foundation, can be concluded. Now, for the purpose of making a temporary regulation of the commerce and intercourse between Great Britain and the said United States of America, it is agreed that all citizens of the United States of America shall be permitted to import into, and export from any part of his Britannic Majesty's Dominions, in American ships, any goods, wares, and merchandise, which have been so imported or exported by the inhabitants of the British American colonies, before the commencement of the war, upon payment of the same duties and charges, as the like sort of goods or merchandise are now or may be subject and liable to, if imported by British subjects, in British ships, from any British island or plantation in America; and that all the subjects of his Britannic Majesty shall be permitted to import from any part of the territories of the thirteen United States of America, in British ships, any goods, wares and merchandise which might have been so imported or exported by the subjects of his Britannic Majesty, before the commencement of the war, upon payment of the same duties and charges, as the like sort of goods, wares, and merchandises are now, or may be subject and liable to, if imported in American ships by any of the citizens of the United States of America.

This agreement to continue in force until . . . . Provided always, that nothing contained in this agreement shall at any time hereafter be argued on either side in support of any future demand or claim.

MR. TEMPLE FRANKLIN TO D. HARTLEY, ESQ.

SIR, *Paris, May* 21, 1783.

The American ministers direct me to present you their compliments, and to desire to be informed, whether the proposition you made them this evening is such as you can agree to and subscribe, without further instructions or information from your Court? I have the honour to be, &c. W. T. FRANKLIN.

TO THE COMMISSIONERS PLENIPOTENTIARY OF THE UNITED STATES, &c.

Dover, Tuesday morning, 4 o'clock,

GENTLEMEN, 10*th June*, 1783.

This moment landed,—as a boat is going over to Calais, the inclosed proclamation may possibly arrive new to you. To me it wears the aspect of one part of a commercial treaty. I shall not wonder should I see our friend D. Hartley in London this week. I purpose lodging there to-night. There and every where I shall be as I am, your faithful however feeble aid, and obedient servant, HENRY LAURENS.

At the Court at ST. JAMES'S, the 6th of JUNE, 1783.

Present—the King's most Excellent Majesty in Council.

Whereas by an Act of Parliament passed this Session, intituled, "An Act for preventing certain instruments from being required from ships belonging to the United States of America, and to give to his Majesty, for

a limited time, certain powers for the better carrying on trade and commerce between the subjects of his Majesty's dominions and the inhabitants of the said United States," it is, among other things, enacted, that during the continuance of the said Act, it shall and may be lawful for his Majesty in Council, by order or orders to be issued and published from time to time, to give such directions and to make such regulations with respect to duties, drawbacks, or otherwise, for carrying on the trade and commerce between the people and territories belonging to the Crown of Great Britain, and the people and territories of the said United States, as to his Majesty in Council shall appear most expedient and salutary, any law, usage, or custom, to the contrary notwithstanding. His Majesty doth therefore, by and with the advice of his privy Council hereby order and direct, that pitch, tar, turpentine, indigo, masts, yards, and bowsprits, being the growth or production of any of the United States of America, may (until further order) be imported directly from thence into any ports of this kingdom, either in British or American ships, by British subjects, or by any of the people inhabiting in, and belonging to the said United States, or any of them; and that the articles above recited shall and may be entered and landed in any port of this kingdom upon payment of the same duties, as the same are or may be subject and liable to, if imported by British subjects in British ships from any British island or plantation in America, and no other, notwithstanding such pitch, tar, turpentine, indigo, masts, yards, and bowsprits, or the ships in which the same may be brought, may not be accompanied with the certificates or other documents heretofore required by law; and his Majesty is hereby further pleased, by and

with the advice aforesaid, to order and direct that any tobacco, being the growth or production of any of the territories of the said United States of America, may likewise (until further order) be imported directly from thence, in manner above-mentioned, and may be landed in this kingdom, and upon the importer paying down in ready money the duty commonly called the Old Subsidy, such tobacco may be warehoused under his Majesty's locks, upon the importer's own bond, for payment of all the farther duties due for such tobacco, within the time limited by law, according to the net weight and quantity of such tobacco, at the time it shall be so landed, with the same allowances for the payment, or such farther duties, and under the like restrictions and regulations in all other respects, not altered by this order, as such tobacco is and may be warehoused by virtue of any Act or Acts of Parliament in force.—And the Right Honorable the Lords Commissioners of his Majesty's treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein, as to them may respectively appertain.

STEPH. COTTREL.

TO THE AMERICAN MINISTERS.

GENTLEMEN, *Paris, June* 14, 1783.

Permit me to address the enclosed memorial to your Excellencies, and to explain to you my reasons for so doing. It is because many consequences now at great distance, and unforeseen by us, may arise between our two countries, perhaps from very minute and incidental transactions which, in the beginning, may be imperceptible and unsuspected as to their future effects.

Our respective territories are in vicinity, and therefore we must be inseparable. Great Britain, with the British power in America, is the only nation with whom by absolute necessity you must have the most intimate concerns, either of friendship or hostility. All other nations are 3000 miles distant from you. You may have political connexions with any of these distant nations, but with regard to Great Britain it must be so. Political intercourse and interests will obtrude themselves between our two countries, because they are the two great powers dividing the Continent of North America. These matters are not to come into discussion between us now. They are of too much importance either to be involved or even glanced at, in any present transaction.

Let every eventual principle be kept untouched, until the two nations shall have recovered from the animosities of the war. Let them have a pacific interval to consider deliberately of their mutual and combined interests, and of their engagements with other nations. Let us not at the outset of a temporary convention, adopt the severe principle of reducing every transaction between the two countries to the footing of exact reciprocity alone. Such a principle would cast a gloom upon conciliatory projects. America is not restrained from any conciliation with Great Britain, by any treaty with any other power. The principles of conciliation would be most desirable between Great Britain and America; and forbearance is the road to conciliation. There are all reasonable appearances of conciliatory dispositions on all sides, which may be perfected in time. Let us not therefore at such a moment as this, and without the most urgent necessity, establish a morose principle between us. If it were a decided point against

amity and conciliation, it would be time enough to talk of partition and strict reciprocity. To presume in favour of conciliation may help it forward; to presume against it, may destroy that conciliation which might otherwise have taken place.

But in the present case there is more than reason to presume conciliation. I think myself happy that I have it in my power to assure you from authority, that it is the fundamental principle of the British Councils to establish amity and confidence between Great Britain and the American States, as a succedaneum for the relation in which they formerly stood one to the other. The proof of this consists not in words but in substantial facts. His Britannic Majesty has been graciously pleased to send orders to his Commanders in North America for the speedy and complete evacuation of all the territories of the United States. His Majesty has given orders in Council on the 14th of the last month, for the admission of American ships and cargoes into Great Britain; and on the 6th instant he has given further orders, permitting the importation from America, of several articles, which have been usually considered as manufactures. He has likewise provided for the convenience of American merchants, who may wish to land tobacco in Great Britain for re-exportation, upon the same principle. Mr. Fox, the Secretary of State corresponding with America, has moved for and received the leave of the House of Commons, (nem. con.) to bring in a Bill, that any American merchants importing rice into Great Britain, may, upon re-exportation, draw back the whole duty paid on its first importation. All these circumstances put together, undoubtedly form the most in-

disputable evidence of the disposition which prevails in the British Councils to give every facility to the re-establishment of that intercourse which must be so beneficial to both nations.

I am ordered to inform you, that his Majesty entirely approves of the plan of making a temporary convention for the purpose of restoring immediate intercourse and commerce, and more particularly for the purpose of putting off for a time, the decision of that important question how far the British Acts of Navigation ought to be sacrificed to commercial considerations, drawn from the particular circumstances of the present crisis; a question which will require much deliberation and very much enquiry before it can be determined. I am sure, gentlemen, you will see and admit the reasonableness of our proceeding in such a case with deliberation and discretion, more especially when these acts of prudence do not proceed from any motives of coolness or reserve towards you. In the mean time the temporary convention may proceed, upon principles of real and accommodating reciprocity. For instance, we agree to put you upon a more favourable footing than any other nation. We do not ask a rigid reciprocity for this, because we know by your present subsisting treaties, it is not in your power to give it to us. We desire only to be put upon the footing of other nations with you, and yet we consent that you shall be upon a better footing with us than any other nation.

Thus far we must be allowed to be giving something more than reciprocity, and this we do, as I said before, because we are unwilling to ask what you are unable to give. Surely it is not unreasonable, nor more than from principles of reciprocity we have a right to expect, that

you should imitate our conduct in this particular, and that you should abstain from asking things under the title of exact and literal reciprocity, which, upon the consideration of our cause, you must know that we cannot give; virtual and substantial reciprocity, we are willing to give, literal reciprocity is impossible, as much from your engagements as from our system of navigation.

If we can agree upon an article of intercourse and commerce, in the nature of a temporary convention, on the basis of the memorial which I had the honor of giving lately to you, bearing date 19th of May, 1783,[1] no time need be lost in finishing this business; but with this explanation, that although it is proposed that the commerce between the United States and the British West Indies should be free with regard to their respective productions, yet that we are not bound to admit the importation of West Indian commodities into Great Britain, in American vessels. Believe me, gentlemen, that this restriction does not proceed from any invidious disposition towards the American States. It is imposed by indispensable prudence and necessity upon the British ministers, who, in the present state of things, could not be justified to their own country to go hastily to a larger extent of concession. This point is not to be looked upon merely as commercial, but as affecting fundamentally the great political system of British Navigation; and you are to consider that the principle upon which the whole of our proposed temporary convention is to stand, is, that the *commerce* between the two countries is to be revived, nearly upon the old footing; but that each nation is to keep in its own hands, the power of making such regulations respecting *naviga-*

[1] Supposed to allude to his *Observations and Propositions delivered to the American Commissioners, the 21st May*, 1783. See page 376.

tion, as shall seem fit. I assure you that this point has been discussed by the ministers of the British cabinet, with infinite candour, and with every possible disposition of amity and favour towards your country; but the more they have enquired upon this subject, the more they are overborne by conviction, that the prejudices upon this matter, (if that be the name these opinions deserve) are so strong, that such a measure as a relaxation of the Act of Navigation in this instance never can be taken, but upon such a full and solemn parliamentary enquiry as it is impossible to go into at this time of the year, and in this stage of the Sessions. I cannot, therefore, gentlemen, help flattering myself, that you who are so well acquainted with the difficulties which must embarrass an English administration, in a business of this sort, will rather endeavour to remove them, than to increase them; and I am sure that such a plan on your part would ultimately be most conducive to your own objects. When an amicable intercourse is once opened, and when conciliatory confidence comes to take place of those jealousies which have lately subsisted, you may easily conceive in how different a manner the whole of this matter will be considered. I am confident that this will be the case, but if it is not, the provisions being only temporary, it will be in the power of the United States to take up any hostile mode of proceeding, by restraints and prohibitions, &c. whenever they may think fit.

I have made use above of the word *prejudices* in speaking of the principles of the British Act of Navigation. I hope you will accept that term from me, as proceeding so far in compliance towards the future consideration of the points now between us, as to keep the question open and free for discussion. If Great Britain should, in any case,

throw down the barriers of her Act of Navigation towards America, she should be very secure, against the possible case of future enmity or alliance against her. Such considerations as these lead to objects far beyond our present scope or powers. But I must still add one word more upon this article of *prejudices*. Such *prejudices* (if they are so) are not confined to Great Britain. By your commercial treaty with France, article 4th, you are only entitled to an European trade with that kingdom; and not even by that treaty, to any direct commerce between their West Indian Islands and the ports of the American States, much less to the immediate communication between the French Islands and the Dominions of the Crown of France in Europe.

Every public proceeding in England since the commencement of our present negociation, for opening intercourse and commerce between our two countries will, I am sure, support me in saying that we have very liberally taken the lead, that we have not waited for any assurance of reciprocity, but have given orders for almost an universal admission of American articles before we even know that any vessel of Great Britain will find admission into American ports. What do we ask in return? No more than this: that while we, gratuitously and without stipulation, give advantages and favours to the American States, which we deny to all other nations, they would so far justify our liberal way of proceeding, as to receive us in the same manner as other nations, which are foreign, and to permit us to carry to North America what it is evidently for their interest that we should carry thither.

I need hardly add, that it is of infinite importance that

some temporary convention should be finished without loss of time. I hope and trust we shall not find much more difficulty in this business. You must see the advantage of an immediate renewal of intercourse, and from the candour of your dispositions I am sure you must likewise be convinced, that to give us some facility in the outset, is the sure road to such an equitable arrangement for the future, as you must have at heart. The reasons which I have given in the memorial dated the first of June instant, appear to me to be cogent and convincing upon the natural alliance between our two countries, and when the intercourse has once begun, every thing will go in its natural road. It is therefore of infinite consequence to begin that intercourse. Great Britain, by all public proceedings of repeals, proclamations, &c. &c. has made the first advances with warmth and confidence, and therefore I conclude, with the fullest assurance, that you will meet those advances with cordial reciprocity.

I have the honor to be, gentlemen, with the greatest respect and consideration, your most obedient and humble servant, D. HARTLEY.

MEMORIAL, JUNE 1, 1783.

THE proposition which has been made for an universal and unlimited reciprocity of intercourse and commerce between Great Britain and the American United States, requires a very serious consideration on the part of Great Britain, for the reasons already stated in a memorial dated May 19, 1783, and for many other reasons which, in the future discussion of the proposition, will appear. To the American States likewise it is a matter of the

deepest importance, not only as a proposition of commercial intercourse, which is the least part, but most principally as a political basis and guarantee for their newly established constitutions. The introduction of British interests into a communion of intercourse will bring forward an universal guarantee on the part of Great Britain, in the future progress of political events, which may affect the United States of America in their national capacity. The proposition is fertile in future prospects to Great Britain, and America also may wisely see in it a solid foundation for herself.

All circumstances are most fortunately disposed between Great Britain and the American States, to render them useful friends and allies to each other, with a higher degree of suitableness between themselves than any other nations can pretend to. France cannot interchange reciprocities with the American States, by reason of numberless impediments in her system of government, in her monopolies, and in her system of commerce. France has the great disability of difference in language to contend with, and the institution of the present French manufactures has never at any time heretofore been trained or adapted to American commerce. The only particular and specific facility which France ever possessed for American intercourse has, for many years, been transferred into the British scale by the cession of Canada to Great Britain. The future commerce between France and America will chiefly be regulated by such conveniences as France can draw to herself from America, without much aptitude on the part of France to accommodate her manufactures and commerce to American demands. In short, an interchange of reciprocities between France and America

would run against the stream on both sides, and all established habits, manners, language, together with principles of government and commerce, would militate against such a system.

Conformably to this reasoning it appears that France has not at any time entertained any systematical design of forming any union or consolidation of interests with America. She took up the American cause, as instrumental to her political views in Europe. America likewise accepted the alliance with France for her separate views, viz. for the establishment of her independence. The alliance therefore is completed and terminated, without leaving behind it any political principle of the future permanent connexion between them. Occasional circumstances produced a temporary alliance. Similar circumstances may on any future occasion produce a similar event of a temporary compact. Dissimilar circumstances, arising from any future political views of the court of France in Europe, may without any inconsistency of principle throw the power of that kingdom into a scale adverse to the future interests of the American States. In such case therefore, where there cannot exist any permanent political connexion between France and America, and where the commercial attachments can be but feeble, it would be vain to expect in the French nation any such ally, as newly established States ought to look out for, to give maturity and firmness to their constitutions.

As to Spain, every argument, which has been stated, respecting diversity of language, manners, government, monopolies, and system of commerce, from those which prevail in the United States of America, obtains in a superior degree. And much more to add besides; for Spain is

not only incompetent to interchange reciprocities with the American States, but likewise her own situation in America will at all times render her extremely jealous of her neighbours. The only activity which Spain has exerted in the war, has been to procure a barrier against the American States, by annexing West Florida to her former acquisition of New Orleans; thereby embracing the mouth of the Mississipi, and by means of that river jointly with her landed possessions, establishing a strong and jealous boundary against any future progress of the American States in those parts. Spain therefore cannot be looked upon by the American States as a suitable object of their election to become a permanent ally and friend to them. Portugal likewise labors under all the disabilities of language, manners, monopolies, government, and system of commerce. Her national power and importance would be likewise insufficient to constitute a strong and permanent ally to the American States. All these nations will undoubtedly be found to have many commodious qualities for participation in commerce, but the preeminent faculties necessary to constitute a firm and permanent ally to the American States will be found deficient in them.

As to the Italian States, or any other powers in the Mediterranean, they are certainly not adequate to any competition of political alliance with the rising States of America. They will also form very commodious links and connexions in the general circuit of commerce, but beyond these considerations they have no share in the present question. The several States of the Germanic body are in the same predicament.

As to the Northern powers, viz. those in the Baltic,

they are not favored either by vicinity or climate, for a frequent or facile intercourse of commerce with America. And even respecting several material articles of commerce, jealousies and competitions might arise. As to political alliances, there are no such in prospect from them to the American States, even if there were any superfluity of force in any of them, beyond the necessities of their respective domestic situations. The extreme distance would be conclusive against any possible application of such power as a political alliance favorable to the establishment and confirmation of the American States.

The only maritime State on the continent of Europe remaining to be discussed as a competent candidate for commerce or connexion with America, is the republic of the United Netherlands, commonly called Holland. In respect to American commerce, the Dutch have among themselves every facility combined, which the separate States of Europe possess distinctively in their own concerns, or nearly. Their industry, frugality, and habits of commerce may even carry them so far as to make them rivals to the Americans themselves, in the transportation of European merchandise to America. These faculties of commerce would have been of infinite importance to the American States, if the war had continued between Great Britain and them. But upon the event of peace it becomes a matter of the most perfect indifference to America, whether each European State navigates its own commerce into the ports of America, which will be open to all, or whether the commercial faculties of Holland enable her to exceed in rivalship her European neighbours, and thereby to navigate European goods to America beyond the proportion of her national share. The faculties of

a nation of carriers may be fortunate for the marine of that nation, but considered in themselves, and with respect to other nations, they are but secondaries in commerce. They give no ground of reciprocities, or participation. That one nation should say to another, You shall navigate all our rivers, harbours, lakes, ports, and places, if we may do the same in yours, is a proposition of reciprocity, but that Holland should say to America, We will bring European goods to you, or you may be your own carriers, is neither concession nor reciprocity. Holland is not a nation of rivers, harbours, lakes, ports, and places, for the distribution of goods and manufactures for internal consumption, and therefore her reciprocities must be very scanty. Holland is the market place of Europe, and the Dutch seamen are the carriers appertaining to that market place. The admission of American ships to that market place, freely to import and to export, is undoubtedly an act of reciprocity on the part of Holland, as far as it goes, but in no degree adequate to the unlimited participation of American commerce, throughout all the rivers, harbours, lakes, ports, and places of that vast continent. The commercial reciprocities of Holland therefore being inferior on her part towards America, the next point of view, in which Holland is to be considered, as relevant to this question, is as a nation of power, capable of becoming an effectual and permanent ally and guarantee to the American States; for that is the great object, which America, as a wise nation, recently arisen into independence, ought to keep in view. Holland has certainly been a nation of great and celebrated naval force. She remains so still, but having for many years suspended her exertions of force, and having directed the faculties of

her people into the commercial line, she seems not to have any superfluity of force beyond the necessity of providing for her own security, and certainly no such redundance of power as to extend to the protection of distant nations as allies, or guarantees. It appears therefore upon the whole of this argument, that Holland, although a commercial nation, cannot even interchange commercial reciprocities with America, upon an equal footing, and that her faculties of force are inadequate to those which America ought to expect in the permanent allies and guarantees of her country.

The independence of the American States being established, their first consideration ought to be, to determine with what friendships and alliances they will enter into the new world of nations. They will look round them, and cast about for some natural permanent and powerful ally, with whom they may interchange all cementing reciprocities, both commercial and political. If such an ally be to be found any where for them, it is still in Great Britain; at least it is certain that, in looking round Europe, no other is to be found. There is no inherent impossibility to prevent such a connexion from taking place, it must depend upon the free will and common interest of the parties. There are all possible faculties on both sides to give and to receive all adequate and beneficial reciprocities, which are practicable, and more likely to be permanent between independent parties, than between two parties of which one is dependent on the other. Great Britain is undoubtedly the first of European nations in riches, credit, faculties, industry, commerce, manufactures, internal consumption and foreign export, together with civil liberty, which is the source of

all, and naval power, which is the support of all. The dominions appertaining to the crown of Great Britain are large and fertile, its colonies still extensive and in close vicinity to the American States; Great Britain being an American as well as an European power, and all her empire connected by her naval force.

The territories of the American States, from the Atlantic Ocean to the Mississippi, contain an inexhaustible source of riches, industry, and future power. These will be the foundation of great events in the new page of life. Infinite good or infinite evil may arise according to the principles upon which the intercourse between Great Britain and America shall be arranged in its foundation. Great Britain and America must be still inseparable, either as friends or foes. This is an awful and important truth. These are considerations not to be thought of slightly, not to be prejudged in passion, nor the arrangements of them to be hastily foreclosed. Time given for consideration may have excellent effects on both sides. The pause of peace, with friendly intercourse, returning affection and dispassionate inquiry, can alone decide these important events, or do justice to the anxious expectations of Great Britain and America.

HENRY LAURENS, ESQ. TO THE AMERICAN MINISTERS PLENIPOTENTIARY.

GENTLEMEN, *London, June* 17, 1783.

I had the honor of addressing you the 10th, immediately after my landing at Dover. As early as possible after my arrival here I obtained an interview with Mr. Secretary Fox, who was pleased to read to me part of his latest dispatches to Mr. Hartley, which he supposed

would reach Paris on the 14th; 'tis probable therefore that before this time, as much of the contents as is proper for your knowledge has been communicated.

"Reciprocity" since the 10th of April has undergone a certain degree of refinement; the definition of that term appears now to be possession of advantages on one side, and restrictions on the other. The Navigation Act is the vital of Great Britain "too delicate to bear a touch." The sudden and unexpected, perhaps illicit arrival of ships and cargoes from America, may have caused this change of tone. But you have heard in detail and are more competent to judge.

From a desire of forming an opinion, I asked Mr. Fox whether he thought I might venture for a few days to take the benefit of Bath, and yet be time enough at Paris for the intended commercial agreement? He replied, "I rather think you may." One need not be a conjurer to draw an inference: you will either have finished the business before I could travel to Paris, or without being missed there, I may go to Bath and repair my nerves.

In this state of uncertainty, when 'tis easy to perceive affections are not as we could wish them, nor quite so warm as we had been taught to believe, it would not be wise to commit the United States, wherefore I shall rest the business till I hear from you, or until a more favorable prospect, flattering myself with hopes of your surmounting the late seeming difficulties; an inconvenience on your side is preferable to the hazard of a disgrace.

I am with great regard and respect, &c.

H. LAURENS.

HENRY LAURENS, ESQ. TO THE AMERICAN MINISTERS.

GENTLEMEN, *London, June* 20, 1783.

Permit me to refer to what I had the honor of writing to you the 17th. You will recollect my suggestions, as soon as we perceived the falling off from those warm assurances which had been pressed in March and April—they were not ill founded; I delayed a week in hopes of intelligence and left you with reluctance; the temper of the times forbids even an essay. What a happy country is this, where every thing pertaining to the public, is rendered to them in public newspapers; see the enclosed, containing nearly as accurate an account of certain recent occurrences, as if it had been penned by one of the parties. It might indeed have been made a little stronger. Modest men are sometimes restrained from attempting a public good, from a dread of the effects of envy, of being held up in an invidious light. It would be cruel to disturb them. I have learned nothing from America, save what you may have read in the prints. To morrow I shall proceed to Bath and be waiting for intelligence as well from yourselves as from Congress. Some consolation arises from reflecting that while I am endeavouring to mend my health, you suffer no inconvenience from my absence. With sincere regard and respect, I have the honor to be,

Gentlemen, your obedient and most humble servant,

HENRY LAURENS.

Mr. Hartley's Six Propositions.

1. That lands belonging to persons of any description

which have not actually been sold, shall be restored to the old possessors without price.

2. That an equal and free participation of the different carrying places, and the navigation of all the lakes and rivers of that country, through which the water line of division passes between Canada and the United States, shall be enjoyed fully and uninterruptedly by both parties.

3. That in any such places within the boundaries assigned generally to the American States, as are adjoining to the water line of division, and which are not specifically under the dominion of any one State, all persons at present resident, or having possessions or occupations as merchants or otherwise, may remain in peaceable enjoyment of all civil rights and in pursuit of their respective occupations.

4. That in all such places adjoining to the water line of division, as may be under the specific dominion of any particular State, all persons at present resident or having possessions or occupations as merchants or otherwise, may remain in the peaceable enjoyment of all civil rights, and in pursuit of their occupations, until they shall receive notice of removal from the state to which any such place may appertain, and that upon any such notice of removal, a term of three years shall be allowed for selling or withdrawing their valuable effects, and for settling their affairs.

5. That his Britannic Majesty's forces not exceeding . . . in number may continue in the ports now occupied by them contiguous to the water line, for the term of three years, for the purpose of securing the lives, property and peace of any persons settled in that country, against the invasion or ravages of the neighbouring Indian nations who

may be suspected of retaining resentments in consequence of the late war.

6. That no tax or impost whatsoever shall be laid on any articles of commerce passing or repassing through the country, but that the trade may be left entirely open for the benefit of all parties interested therein.

ANSWERS TO MR. HARTLEY'S *six Propositions for the definitive Treaty.*

To the 1st. This matter has been already regulated in the 5th and 6th articles of the provisional treaty to the utmost extent of our powers: the rest must be left to the several States.

2. All the Lakes, Rivers and waters divided by the boundary line or lines, between the United States and his Britannic Majesty's territories, shall be freely used and navigated by both parties during the whole extent of such division. Regulations concerning roads, carrying places and any land communications between said waters, whether within the line of the United States or that of his Majesty, together with the navigation of all waters and rivers in America belonging to either party, may be made in a negociation of a treaty of commerce.

3. That in all places belonging to the United States in the country, adjoining to the water line of division, and which during the war were in his Majesty's possession, all persons at present resident, or having possessions or occupations, as merchants or otherwise, may remain in the peaceable enjoyment of all civil rights, and in pursuit of their occupations until they shall receive notice of removal from Congress, or the state to which any such place may

appertain, and that upon any such notice of removal, a term of two years shall be allowed for selling or withdrawing their effects and for settling their affairs.

4. That his Britannic Majesty's forces not exceeding . . . . . in number, may continue in the posts now occupied by them, contiguous to the water line, until Congress shall give notice to evacuate the said posts; and garrisons of their own shall arrive at said posts for the purpose of securing the lives, property and peace of any persons settled in that country, against the invasion or ravages of the neighbouring Indian nations, who may be suspected of retaining resentments in consequence of the late war.

5. The consideration of this proposition may be left to the treaty of commerce.

To Henry Laurens, Esq.

Dear Sir, *Passy, July* 6, 1783.

We have been honoured with several of your letters, and we have talked of writing to you, but it has been delayed. I will therefore write a few lines in my private capacity.

Our negociations go on slowly, every proposition being sent to England, and answers not returning very speedily.

Captain Barney arrived here last Wednesday, and brought dispatches for us as late as the first of June. The preliminary articles are ratified. But General Carleton, in violation of those articles, has sent away a great number of negroes, alledging that freedom having been promised them by a proclamation, the honour of the nation was concerned, &c. Probably another reason may be,

that if they had been restored to their masters, Britain could not have hoped any thing from such another proclamation hereafter.

Mr. Hartley called yesterday to tell us, that he had received a letter from Mr. Fox, assuring him that our suspicions of affected delays or change of system on their side were groundless; and that they were sincerely desirous to finish as soon as possible. If this be so, and your health will permit the journey, I could wish your return as soon as possible. I want you here on many accounts, and should be glad of your assistance in considering and answering our public letters. There are matters in them of which I cannot conveniently give you an account at present.

Nothing could be more seasonable than success in the project you proposed, but we have now very little expectation.

Please to give my love to your valuable and amiable son and daughter, and believe me with sincere esteem, &c.

B. FRANKLIN.

FROM THE AMERICAN MINISTERS, TO D. HARTLEY, ESQ.

SIR, *Passy, July* 17, 1783.

We have the honour to inform you that we have just received from Congress their ratification in due form, of the provisional articles of the 30th Nov. 1782, and we are ready to exchange ratifications with his Britannic Majesty's ministers as soon as may be.

By the same articles it is stipulated, that his Britannic Majesty shall with all convenient speed, and without

causing any destruction or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the United States, and from every post, place and harbour within the same. But by intelligence lately received from America, and by the enclosed copies of letters and conferences between General Washington and Sir Guy Carleton, it appears that a considerable number of negroes belonging to the citizens of the United States, have been carried off from New York, contrary to the express stipulation contained in the said article. We have received from Congress their instructions to represent this matter to you, and to request that speedy and effectual measures be taken to render that justice to the parties interested, which the true intent and meaning of the article in question plainly dictates.

We are also instructed to represent to you, that many of the British debtors in America have in the course of the war sustained such considerable and heavy losses by the operation of the British arms in that country, that a great number of them have been rendered incapable of immediately satisfying those debts. We refer it to the justice and equity of Great Britain, so far to amend the article on that subject, as that no execution shall be issued on a judgment to be obtained in any such case, but after the expiration of three years from the date of the definitive treaty of peace. Congress also think it reasonable that such part of the interest which may have accrued on such debts during the war shall not be payable, because all intercourse between the two countries, had, during that period, become impracticable as well as improper; it does not appear just that individuals in America should pay for delays in payment which were occasioned by the

civil and military measures of Great Britain. In our opinion the interest of the creditors as well as the debtors, requires that some tenderness be shewn to the latter, and that they should be allowed a little time to acquire the means of discharging debts, which in many instances exceed the whole amount of their property.

As it is necessary to ascertain an epocha for the restitutions and evacuations to be made, we propose that it be agreed, that his Britannic Majesty shall cause to be evacuated the posts of New York, Penobscot and their dependencies, with all other posts and places in possession of his Majesty's arms, within the United States, in the space of three months after the signature of the definitive treaty, or sooner if possible, excepting those posts contiguous to the water line mentioned in the 4th proposition, and those shall be evacuated, when Congress shall give the notice therein mentioned.

We do ourselves the honour of making these communications to you, Sir, that you may transmit them and the papers accompanying them to your court, and inform us of their answer.

We have the honour to be, Sir, your most obedient and most humble servants.

JOHN ADAMS.
B. FRANKLIN.
JOHN JAY.

To R. R. LIVINGSTON, ESQ.

SIR, *July*, 1783.

We have had the honour of receiving by Captain Barney your two letters of the 25th of March and 21st of April, with the papers referred to in them.

We are happy to find that the provisional articles have been approved and ratified by Congress, and we regret that the manner in which that business was conducted, does not coincide with your ideas of propriety. We are persuaded however that this is principally owing to your being necessarily unacquainted with a number of circumstances, known to us who were on the spot, and which will be particularly explained to you hereafter, and we trust to your satisfaction, and that of the Congress.

Your doubts respecting the separate article we think are capable of being removed, but as a full statement of the reasons and circumstances which prompted that measure would be very prolix, we shall content ourselves with giving you the general outlines.

Mr. Oswald was desirous to cover as much of the eastern shores of the Mississippi with British claims as possible, and for this purpose we were told a great deal about the ancient bounds of Canada and Louisiana, &c. &c. &c. the British court who had probably not yet adopted the idea of relinquishing the Floridas, seemed desirous of annexing as much territory to them as possible, even up to the mouth of the Ohio. Mr. Oswald adhered strongly to that object, as well to render the British countries there of sufficient extent to be (as he expressed it) worth keeping and protecting; as to afford a convenient retreat to the Tories, for whom it would be difficult otherwise to provide. And among other arguments he finally urged his being willing to yield to our demands to the east, north and west, as a further reason for our gratifying him on the point in question. He also produced the commission of Governor Johnson extending the bounds of his government of W. Florida up to the river Yassous

and contended for that extent as a matter of right upon various principles; which however we did not admit; the king not being authorized in our opinion to extend or contract the bounds of the colonies at pleasure.

We were of opinion that the country in contest was of great value, both on account of its natural fertility and of its position; it being in our opinion the interest of America to extend as far down towards the mouth of the Mississippi as she possibly could. We also thought it advisable to impress Britain with a strong sense of the importance of the navigation of that river, to their future commerce on the interior waters from the mouth of the St. Laurence to that of the Mississippi; and thereby render that court averse to any stipulations with Spain to relinquish it. These two objects militated against each other; because to enhance the value of the navigation was also to enhance the value of the countries contiguous to it, and thereby disincline Britain to the dereliction of them. We thought therefore that the surest way to reconcile and obtain both objects would be by a composition beneficial to both parties. We therefore proposed that Britain should withdraw her pretensions to all the country above the Yassous; and that we would cede all below it to her in case she should have the Floridas at the end of the war; and at all events that she should have a right to navigate the river throughout its whole extent. This proposition was accepted, and we agreed to insert the contingent part of it in a separate article, for the express purpose of keeping it secret for the present. That article ought not therefore to be considered as a mere matter of favour to Britain, but as the result of a bargain in which that article was a "quid pro quo."

It was in our opinion both necessary and justifiable to keep this article secret. The negociations between Spain, France and Britain were then in full vigor, and embarrassed by a variety of clashing demands. The publication of this article would have irritated Spain, and retarded, if not have prevented, her coming to an agreement with Britain.

Had we mentioned it to the French minister, he must have not only informed Spain of it, but also been obliged to act a part respecting it that would probably have been disagreeable to America; and he certainly has reason to rejoice that our silence saved him that delicate and disagreeable task.

This was an article in which France had not the smallest interest, nor is there any thing in her treaty with us, that restrains us from making what bargain we pleased with Britain about those or any other lands, without rendering account of such transaction to her or any other power whatever. The same observation applies with still greater force to Spain, and neither justice nor honor forbid us to dispose as we pleased of our own lands, without her knowledge or consent. Spain at that very time extended her pretensions and claims of dominion not only over the tract in question, but over the vast region lying between the Floridas and Lake Superior; and this court was also at that very time soothing and nursing of those pretensions by a proposed conciliatory line for splitting the difference. Suppose therefore we had offered this tract to Spain in case she retained the Floridas, should we even have had thanks for it? or would it have abated the chagrin she experienced from being disap-

pointed in her extravagant and improper designs on that whole country?—we think not.

We perfectly concur with you in sentiment, Sir, "*that honesty is the best policy*," but until it be shewn that we have trespassed on the rights of any man or body of men, you must excuse our thinking that this remark, as applied to our proceedings, was unnecessary.

Should any explanations either with France or Spain become necessary on this subject; we hope and expect to meet with no embarrassments. We shall neither amuse them nor perplex ourselves with ostensible and flimsy excuses, but tell them plainly that as it was not our duty to give them the information; we considered ourselves at liberty to withold it; and we shall remind the French minister that he has more reason to be pleased than displeased with our silence. Since we have assumed a place in the political system of the world, let us move like a primary and not like a secondary planet.

We are persuaded, Sir, that your remarks on these subjects resulted from real opinion, and were made with candor and sincerity. The best men will view objects of this kind in different lights even when standing on the same ground, and it is not to be wondered at that we who are on the spot and have the whole transaction under our eyes should see many parts of it in a stronger point of light, than persons at a distance, who can only view it through the dull medium of representation.

It would give us great pain if any thing we have written or now write respecting this court, should be construed to impeach the friendship of the king and nation for us. We also believe that the minister is so far our friend, and is disposed so far to do us good offices as may correspond

with and be dictated by his system of policy for promoting the power, riches and glory of France. God forbid that we should ever sacrifice our faith, our gratitude or our honour to any considerations of convenience; and may he also forbid that we should ever be unmindful of the dignity and independent spirit which should always characterise a free and generous people.

We shall immediately propose an article to be inserted in the definitive treaty for postponing the payment of British debts for the time mentioned by Congress.

There are no doubt certain ambiguities in our articles, but it is not to be wondered at when it is considered how exceedingly averse Britain was to expressions which explicitly wounded the Tories; and how disinclined we were to use any that should amount to absolute stipulations in their favour.

The words for restoring the property of *real British subjects*, were well understood and explained between us not to mean or comprehend American refugees. Mr. Oswald and Mr. Fitzherbert know this to have been the case, and will readily confess and admit it. This mode of expression was preferred by them as a more delicate mode of excluding those refugees, and of making a proper distinction between them and the subjects of Britain whose only *particular* interest in America consisted in holding lands or property there.

The 6th article, viz. where it declares that no *future confiscations* shall be made, &c. ought to have fixed the time with greater accuracy. We think the most fair and true construction is, that it relates to the date of the cessation of hostilities: That is the time when peace in fact took place, in consequence of prior unformal though

binding contracts to terminate the war. We consider the definitive treaties as only giving the dress of form to those contracts and not as constituting the obligation of them. Had the cessation of hostilities been the effect of a truce, and consequently not more than a temporary suspension of war, another construction would have been the true one.

We are officially assured by Mr. Hartley that positive orders for the evacuation of New York have been dispatched, and that no avoidable delay will retard that event. Had we proposed to fix a time for it, the British commissioner would have contended that it should be a time posterior to the date of the definitive treaty, and that would have been probably more disadvantageous to us than as that article now stands.

We are surprized to hear that any doubts have arisen in America respecting the time when the cessation of hostilities took place there. It most certainly took place at the expiration of one month after the date of that declaration in all parts of the world, whether land or sea, that lay north of the latitude of the Canaries.

The ships afterwards taken from us in the more northerly latitudes ought to be reclaimed and given up. We shall apply to Mr. Hartley on this subject, and also on that of the transportation of negroes from New York, contrary to the words and intention of the provisional articles. We have the honor to be, &c.

J. ADAMS.
B. FRANKLIN,
J. JAY.
H. LAURENS.

EXTRACT OF A LETTER TO R. R. LIVINGSTON, ESQ.

Passy, July 22, 1783.

"You have complained sometimes with reason of not hearing often from your foreign ministers; we have had cause to make the same complaints; six full months having intervened between the latest date of your preceding letters and the receipt of those per Captain Barney. During all this time we were ignorant of the reception of the provisional treaty, and the sentiments of Congress upon it, which if we had received sooner might have forwarded the proceedings on the definitive treaty, and perhaps brought it to a conclusion at a time more favourable than the present. But these occasional interruptions of correspondence are the inevitable consequences of a state of war, and of such remote situations.

Barney had a short passage, and arrived some days before Colonel Ogden, who also brought dispatches from you; all of which are come safe to hand.

We the Commissioners have in our joint capacity written a letter to you, which you will receive with this.[1] I shall now answer yours of March 26, May 9, and May 31.

It gave me great pleasure to learn by the first, that the news of the peace diffused general satisfaction. I will not now take upon me to justify the apparent reserve respecting this Court at the signature, which you disapprove. We have touched upon it in our general letter. I do not see, however, that they have much reason to complain of that transaction. Nothing was stipulated to their prejudice, and none of the stipulations were to have force

[1] See the preceding letter, p. 405.

but by a subsequent act of their own. I suppose, indeed, that they have not complained of it, or you would have sent me a copy of the complaint, that we might have answered it. I long since satisfied Count de Vergennes about it here. We did what appeared to all of us best at the time, and if we have done wrong, the Congress will do right, after hearing us, to censure us. Their nomination of five persons to the service, seems to mark that they had some dependence on our joint judgment, since one alone could have made a treaty by direction of the French ministry as well as twenty. I will only add, that with respect to myself, neither the letter from Mr. Marbois,[1] handed to us through the British negotiators, (a suspicious channel) nor the conversations respecting the fishery, the boundaries, the royalists, &c. recommending moderation in our demands, are of weight sufficient in my mind, to fix an opinion that this court wished to restrain us in obtaining any degree of advantage we could prevail on our enemies to accord; since those discourses are fairly resolvable by supposing a very natural apprehension, that we relying too much on the ability of France to continue the war in our favour, and supply us constantly with money, might insist on more advantages than the English would be willing to grant, and thereby lose the opportunity of making peace, so necessary to all our friends.

When the commercial article mentioned in yours of the 26th was struck out of our proposed preliminaries, by the then British ministry, the reason given was that sundry acts of parliament still in force were against it, and must

[1] See p. 324 of this volume.

be first repealed, which I believe was actually their intention, and sundry bills were accordingly brought in for that purpose. But new ministers with different principles succeeding, a commercial proclamation totally different from those bills has lately appeared. I send enclosed a copy of it.[1] We shall try what can be done in the definitive treaty, towards setting aside that proclamation; but if it should be persisted in, it will then be a matter worthy the attentive discussion of Congress, whether it will be most prudent to retort, with a similar regulation, in order to force its repeal, which may possibly tend to bring on another quarrel, or to let it pass without notice, and leave it to its own inconvenience or rather impracticability in the execution, and to the complaints of the West India planters, who must all pay much dearer for our produce under those restrictions. I am not enough master of the course of our commerce, to give an opinion on this particular question; and it does not behove me to do it; yet I have seen so much embarrassment and so little advantage in all the restraining and compulsive systems, that I feel myself strongly inclined to believe that a State, which leaves all her ports open to all the world upon equal terms, will by that means have foreign commodities cheaper, and sell its own productions dearer, and be on the whole most prosperous. I have heard some merchants say, that there is ten per cent. difference between *Will you buy?* and *Will you sell?* When foreigners bring us their goods, they want to part with them speedily, that they may purchase their cargoes and dispatch their ships, which are at constant charges in our ports. We have

[1] See page 381 of this vol.

then the advantage of their, *Will you buy?* and when they demand our produce, we have the advantage of their, *Will you sell?* and the concurring demands of a number also contribute to raise our prices. Thus both these questions are in our favour at home; against us abroad. The employing, however, of our own ships, and raising a breed of seamen among us, though it should not be a matter of so much private profit as some imagine, is nevertheless of political importance, and must have weight in considering this subject.

The judgment you make of the conduct of France in the peace, and the greater glory acquired by her moderation than even by her arms, appears to me perfectly just. The character of this Court and nation seems of late years to be considerably changed. The ideas of aggrandizement by conquest, are out of fashion; and those of commerce are more enlightened, and more generous than heretofore. We shall soon, I believe, feel something of this, in our being admitted to greater freedom of trade with their islands. The wise here think France great enough, and its ambition at present seems to be only that of justice and magnanimity towards other nations, fidelity, and utility to its allies.

I have received no answer yet from Congress to my request of being dismissed from this service. They should methinks reflect, that if they continue me here, the faults I may henceforth commit through the infirmities of age, will be rather theirs than mine.

I am glad my JOURNAL[1] afforded you any pleasure. I will, as you desire, endeavour to continue it.

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[1] See page 132 to 246 of this vol.

I am sorry to find that you have thoughts of quitting the service. I do not think your place can be easily well supplied. You mention that an entire new arrangement with respect to foreign affairs is under consideration: I wish to know whether any notice is likely to be taken in it of my grandson. He has now gone through an apprenticeship of near seven years in the ministerial business, and is very capable of serving the States in that line, as possessing all the requisites of knowledge, zeal, activity, language, and address. He is liked here, and Count de Vergennes has expressed to me in warm terms his very good opinion of him. The late Swedish ambassador Count de Creutz, who is gone home to be prime minister, desired I would endeavour to procure his being sent to Sweden with a public character, assuring me that he should be glad to receive him there as our minister, and that he knew it would be pleasing to the King. The present Swedish ambassador[1] has also proposed the same thing to me, as you will see by a letter of his which I enclose. One of the Danish ministers, M. Waltersdorff, (who will probably be sent in a public character to Congress) has also expressed his wish that my grandson may be sent to Denmark. But it is not my custom to solicit employments for myself or any of my family, and I shall not do it in this case. I only hope that if he is not to be employed in your new arrangement, I may be informed of it as soon as possible, that while I have strength left for it, I may accompany him in a tour to Italy, returning through Germany, which I think he may make to more advantage with me than alone, and which I have long

[1] Baron de Staâl.

promised to afford him, as a reward for his faithful service, and his tender filial attachment to me.[1]

Our people who were prisoners in England are now all discharged. During the whole war, those who were in Forton prison near Portsmouth, were much befriended by the constant charitable care of Mr. Wren, a Presbyterian minister there; who spared no pains to assist them in their sickness and distress, by procuring and distributing among them the contributions of good Christians, and prudently dispensing the allowance I made them, which gave him a deal of trouble, but he went through it cheerfully. I think some particular notice should be taken of this good man. I wish the Congress would enable me to make him a present, and that some of our Universities would confer upon him the degree of Doctor.

The Duke of Manchester, who has always been our friend in the House of Lords, is now here Ambassador

[1] Repeated inquiries having been made (since the first publication of this letter) relative to the *result* of this very natural and just request of Dr. Franklin; it may be excusable here to remark, that no notice was ever taken of it by Congress; nor of a former application to the same effect, backed by the strong and affecting recommendation of another of its most able and respectable ministers,—JOHN JAY, ESQ. (See pages 76 and 77, Part I.) Neither were the long, faithful, arduous, and eminent services of Dr. Franklin ever publicly acknowledged, or adequately remunerated, by the *Government* of the United States; except the empty, (though honourable) testimony of its going into mourning on his decease, may be deemed such. But it is an adage, that *republics are not famed for* GRATITUDE. Hopes, however, are entertained that the American Government consider there is a *deferred debt* due to the memory of Franklin, and that they will eventually liquidate it.

from England. I dine with him to-day (26th) and if any thing of importance occurs, I will add it in a postscript.

Be pleased to present my dutiful respects to the Congress, assure them of my most faithful services, and believe me to be, with great and sincere esteem, Sir, &c.

B. FRANKLIN.

To R. R. LIVINGSTON, ESQ.

SIR, *Passy, July* 27, 1783.

The definitive treaties between the late belligerent powers are none of them yet completed. Ours has gone on slowly, owing partly to the necessity Mr. Hartley (successor of Mr. Oswald) thinks himself under of sending every proposition, either his own or ours, to his Court for their approbation, and their delay in answering, through negligence perhaps, since they have heard our ports are open, or through indecision occasioned by ignorance of the subject, or through want of union among the ministers. We send you herewith copies of several papers that have passed between us. Mr. Hartley has for some time assured us that he is in hourly expectation of answers, but they do not arrive. The British proclamation respecting the commerce appears to vex him a good deal. We enclose a copy. And we are of opinion that finally we shall find it best to drop all commercial articles in our definitive treaty; and leave every thing of that kind to a future special treaty to be made either in America or in Europe, as Congress shall think fit to order. Perhaps it may be best to give powers for that purpose to the minister that probably will be sent to London. The opinion here is, that it will be becoming in us to take the first

step towards the mutual exchange of ministers; and we have been assured by the English minister who treats with us here, that ours will be well received.

The Dutch preliminaries are not yet agreed on, and it seems to be settled that we are to sign all together, in the presence of the ministers of the two imperial courts who are to be complimented with the opportunity of signing as mediators, though they have not yet, and perhaps will not be consulted in the negociations. Mr. Adams is gone to Holland for three weeks, but will return sooner if wanted. The propositions you mention as made to us from that state, we suppose he has given you an account of. Nothing was or is likely to be done upon them here, and therefore it was less necessary to say any thing concerning them. A minister from that country has been gone some time to Congress, and if he has those propositions in charge, they will best be considered there. With great esteem we have the honour to be, Sir, &c.

B. FRANKLIN,
J. JAY,
H. LAURENS.

DAVID HARTLEY, ESQ. TO THE AMERICAN MINISTERS.

GENTLEMEN, *Paris, August* 12, 1783.

I have the honor of transmitting to you a copy of a letter which I have received from Mr. Fox, containing an account of the Queen having been happily delivered of a princess, and that her Majesty and the young princess are as well as can be expected.

Since the reconciliation which has happily taken place

between our two countries, I am happy in the opportunity of communicating to you such an occasion of our joint congratulations, as to the first token, of that satisfaction which your country (and you, as the ministers of it in the present case) will receive from this, and from every event which may contribute to the happiness and honour of the King, the Queen, and all the royal family of Great Britain. I am, gentlemen, with the greatest respect and consideration, your most obedient servant,

D. HARTLEY.

To D. HARTLEY, ESQ.

SIR,

We have received the letter which you did us the honour to write on the 12th instant, and shall take the first opportunity of conveying to Congress the agreeable information contained in it.

The sentiments and sensations which the re-establishment of peace between our two countries, ought to diffuse through both, lead us to participate in the pleasure which the birth of a princess must naturally give to the royal family and people of Great Britain; and we sincerely congratulate their Majesties on that addition to their domestic happiness. We have the honor to be with great regard and esteem, Sir, your most obedient and very humble servants,

J. ADAMS,
B. FRANKLIN,
J. JAY.

To his Excellency M. le Comte de Vergennes.

Sir, *Passy, Aug.* 16, 1783.

I have the honour to inform your Excellency, that the English ministry do not agree to any of the propositions that have been made either by us, or by their minister here; and they have sent over a plan for the definitive treaty, which consists merely of the preliminaries formerly signed, with a short introductory paragraph, and another at the conclusion, confirming and establishing the said preliminary articles. My colleagues seem inclined to sign this with Mr. Hartley, and so to finish the affair. I am, with respect, Sir, your Excellency's, &c.

B. Franklin.

Mons. de Rayneval, *(under Secretary of State for Foreign Affairs)* a Mons. Franklin.

A Versailles, le 29 *Août*, 1783.

J'ai rendu compte à M. le Comte de Vergennes, Monsieur, de la difficulté que fait M. Hartley de signer à Versailles, et ce ministre m'a chargé de vous mander que rien ne devoit vous empêcher de signer à Paris Mercredi prochain, jour désigné pour la signature des autres traités: mais il vous prie d'indiquer à Mr. Hartley 9 heures du matin, et d'envoyer ici un exprès, immédiatement après votre signature faite. M. de Vergennes veut être assuré que votre besogne est consommée en même tems que la sienne. Vous recevez pour Mercredi un billet d'invitation, ainsi que Messieurs vos collègues et Mons. Hartley; je présume que celui-ci n'y trouvera aucune difficulté.

J'ai l'honneur d'être avec un parfait attachement, Monsieur, votre très humble et très obéissant serviteur,

DE RAYNEVAL.

DAVID HARTLEY, ESQ. TO THE AMERICAN MINISTERS.

GENTLEMEN, *Paris, Aug.* 29, 1783.

As the day is now fixed for the signatures of the definitive treaties between Great Britain, France and Spain, I beg leave to inform your Excellencies, that I am ready to sign the definitive treaty between Great Britain and the United States of America, whenever it shall be convenient to you. I beg the favour therefore of you to fix the day. My instructions confine me to Paris as the place appointed to me for the exercise of my functions, and therefore whatever day you may fix upon for the signature, I shall hope to receive the honour of your company at the Hôtel d' York. I am, gentlemen, with the greatest respect and consideration, your most obedient servant, D. HARTLEY.

The American Ministers, plenipotentiaries for making peace with Great Britain, present their compliments to Mr. Hartley. They regret that Mr. Hartley's instructions will not permit him to sign the definitive treaty of peace with America at the place appointed for the signature of the others. They will nevertheless have the honor of waiting upon Mr. Hartley at his lodgings at Paris, for the purpose of signing the treaty in question, on Wednesday morning at 8 o'clock.

Passy, Aug. 30, 1783.

The DEFINITIVE TREATY *between Great Britain and the United States of America, signed at Paris the Third Day of September,* 1783.

In the Name of the most Holy and undivided Trinity.

It having pleased the Divine Providence to dispose the hearts of the serene and most potent Prince George the Third, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, Duke of Brunswick and Lunenbourg, Arch Treasurer and Prince Elector of the Holy Roman Empire, &c. and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore, and to establish such a beneficial and satisfactory intercourse between the two countries upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony; and having for this desirable end already laid the foundation of peace and reconciliation by provisional articles signed at Paris on the 30th of November, 1782, by the Commissioners empowered on each part, which articles were agreed to be inserted in and to constitute the treaty of peace proposed to be concluded between the crown of Great Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and his Britannic Majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain and France having since been concluded; his Britannic Majesty and the United

States of America, in order to carry into full effect the provisional articles above-mentioned, according to the tenor thereof, have constituted and appointed, that is to say, his Britannic Majesty on his part, David Hartley, Esq. Member of the Parliament of Great Britain: and the said United States on their part, John Adams, Esq. late a Commissioner of the United States of America at the Court of Versailles, late Delegate in Congress from the State of Massachusetts, and Chief Justice of the said state, and Minister Plenipotentiary of the said United States to their High Mightinesses the States General of the United Netherlands; Benjamin Franklin, Esq. late Delegate in Congress from the State of Pennsylvania, President of the Convention of the said state, and Minister Plenipotentiary from the United States of America at the Court of Versailles; John Jay, Esq. late President of Congress, and Chief Justice of the State of New York, and Minister Plenipotentiary from the said United States at the Court of Madrid, to be the Plenipotentiaries for the concluding and signing the present definitive treaty; who after having reciprocally communicated their respective full powers, have agreed upon, and confirmed the following articles:

N. B. *The nine first articles were the same as the* PRELIMINARY ARTICLES *signed with Mr. Oswald, Nov.* 30, 1782. (*See page* 301.)

Article X.

The solemn ratification of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties in the space of six months, or sooner if possible, to be computed from the day of the signature

of the present treaty. In witness whereof we the undersigned, their ministers plenipotentiary, have in their name and virtue of our full powers, signed, with our hands, the present definitive treaty, and caused the seals of our arms to be affixed thereto.

Done at Paris this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

(Signed) JOHN ADAMS, (L. S.)
B. FRANKLIN, (L. S.)
JOHN JAY, (L. S.)
DAVID HARTLEY, (L. S.)

At the end of this treaty were added Mr. Hartley's and the American Ministers' commissions, and certified thus;

We certify the foregoing copies of the respective full powers, to be authentic.

(Signed) GEORGE HAMMOND,
Secretary to the British commission.
WM. TEMPLE FRANKLIN,
Secretary to the American commission.

DAVID HARTLEY, ESQ. TO THE AMERICAN MINISTERS.

GENTLEMEN, *Passy, Sept.* 4, 1783.

It is with the sincerest pleasure that I congratulate you on the happy event which took place yesterday, viz. the signature of the definitive treaty between our two countries. I consider it as the auspicious presage of returning confidence, and of the future intercourse of all good offices between us. I doubt not that our two countries will entertain the same sentiments, and that they

will behold with satisfaction the period which terminates the memory of their late unhappy dissensions, and which leads to the renewal of all the ancient ties of amity and peace. I can assure you that his Britannic Majesty, and his confidential servants, entertain the strongest desire of a cordial good understanding with the United States of America. And that nothing may be wanting on our parts to perfect the great work of pacification, I shall propose to you in a very short time, to renew the discussion of those points of amity and intercourse, which have been lately suspended to make way for the signature of the treaties between all the late belligerent powers, which took place yesterday. We have now the fairest prospects before us, and an unembarrassed field for the exercise of every beneficent disposition, and for the accomplishment of every object of reciprocal advantage between us. Let us then join our hearts and hands together in one common cause, for the reunion of all our ancient affections and common interests. I am, gentlemen, with the greatest respect and consideration, your most obedient servant,

D. HARTLEY.

To DAVID HARTLEY, ESQ.

SIR, *Passy, Sept.* 5, 1783.

We have received the letter which you did us the honour to write yesterday.

Your friendly congratulations on the signature of the definitive treaty, meet with cordial returns on our part; and we sincerely rejoice with you in that event by which the Ruler of nations has been graciously pleased to give peace to our two countries.

We are no less ready to join our endeavours than our wishes with yours, to concert such measures for regulating the future intercourse between Great Britain and the United States, as by being consistent with the honour and interest of both, may tend to encrease and perpetuate mutual confidence and good will. We must nevertheless candidly inform you, that we consider our commission as terminated, and therefore without further authority from congress, will not be able to sign and conclude. All we can at present do is to confer with you, and recommend to congress such propositions as may appear to us to merit their assent. And we shall propose to them to send a commission to Europe without delay for these important purposes.

The unrestrained course already given by the States to the British commerce with them, and the unconditional liberation of prisoners, at a time when more caution would not have been singular, are marks of liberality and confidence, which we flatter ourselves will be equalled by the magnanimity of his Majesty and the people of Great Britain.

We have communicated to congress the warm and repeated assurances with which you have officially honoured us on these subjects, and we are persuaded that the period of their being realized, will have an auspicious and conciliating influence on all the parties in the late unhappy dissensions.

We have the honour to be, Sir, with great respect and esteem, your most obedient and humble servants,

JOHN ADAMS,
B. FRANKLIN,
JOHN JAY.

To David Hartley, Esq.

My dear Friend, *Passy, Sept.* 7, 1783.

The enclosed letters to you and to Mr. Fox, were written before I saw you yesterday.

On my return home last night I found dispatches from congress, which may remove the difficulties we were entangled with. Mr. Adams will be here this morning, when you will hear from us. I am ever, yours sincerely,

B. Franklin.

To David Hartley, Esq.

My dear Friend, *Passy, Sept.* 6, 1783.

Enclosed is my letter to Mr. Fox. I beg you would assure him, that my expressions of esteem for him are not mere professions. I really think him a *great* man; and I would not think so, if I did not believe he was at bottom, and would prove himself a *good* one. Guard him against mistaken notions of the American people. You have deceived yourselves too long with vain expectations of reaping advantage from our little discontents. We are more thoroughly an enlightened people, with respect to our political interests, than perhaps any other under the heaven. Every man among us reads, and is so easy in his circumstances as to have leisure for conversations of improvement, and for acquiring information. Our domestic misunderstandings, when we have them, are of small extent, though monstrously magnified by your microscopic newspapers. He who judges from them, that we are on the point of falling into anarchy, or returning to the obedience of Britain, is like one who being

shown some spots in the sun, should fancy that the whole disk would soon be overspread with them, and that there would be an end of day-light. The great body of intelligence among our people, surrounds and overpowers our petty dissensions, as the sun's great mass of fire diminishes and destroys his spots. Do not therefore any longer delay the evacuation of New York, in the vain hope of a new revolution in your favour, if such a hope has indeed had any effect in occasioning that delay. It is now nine months since the evacuations were promised. You expect with reason that the people of New York should do your merchants justice in the payment of their old debts; consider the injustice you do them in keeping them so long out of their habitations and out of their business, by which they might have been enabled to make payment.

There is no truth more clear to me than this, that the great interest of our two countries is, a *thorough reconciliation.* Restraints on the freedom of commerce and intercourse between us, can afford no advantage equivalent to the mischief they will do by keeping up ill humour and promoting a total alienation. Let you and I, my dear friend, do our best towards advancing and securing that reconciliation. We can do nothing that will in a dying hour afford us more solid satisfaction.

I wish you a prosperous journey, and a happy sight of your friends. Present my best respects to your good brother and sister, and believe me ever, with sincere and great esteem, yours most affectionately, B. FRANKLIN.

(Enclosed in the foregoing.)

To the Right Hon. C. J. Fox, Esq.

Sir, *Passy, Sept. 5*, 1783.

I received in its time the letter you did me the honour of writing to me by Mr. Hartley. And I cannot let him depart without expressing my satisfaction in his conduct towards us, and applauding the prudence of that choice which sent us a man possessed of such a spirit of conciliation, and of all that frankness, sincerity, and candour, which naturally produce confidence, and thereby facilitate the most difficult negociations. Our countries are now happily at peace, on which I congratulate you most cordially; and I beg you to be assured, that as long as I have any concern in public affairs, I shall readily and heartily concur with you, in promoting every measure that may tend to promote the common felicity.

With great and sincere esteem and respect, I have the honour to be, Sir, your most obedient and most humble servant, B. Franklin.

To D. Hartley, Esq.

My dear Friend, *Passy, Sept.* 7, 1783.

Enclosed I send you an extract of a letter to me from the President of Congress, in which you will observe the moderate disposition of that body towards the loyalists, with the causes of aggravation in the people's resentments against them. I am always invariably, yours most sincerely, B. Franklin.

(*Enclosed in the foregoing.*)

EXTRACT of a LETTER from E. BOUDINOT, ESQ. President of Congress, to B. FRANKLIN, dated June 18, 1783. (*Private.*)

"You will receive herewith a number of our newspapers, in which are inserted many resolves, associations, &c. from all parts of the country, which I earnestly wish had not been made; but the truth is, that the cruelties, ravages, and barbarities of the refugees and loyalists, have left the people so sore that it is not yet time for them to exercise their good sense and cooler judgment; and this cannot take place while the citizens of New York are kept out of their city, and despoiled daily of their property, by the sending off their negroes by hundreds in the face of the treaty. It has been exceedingly ill-judged in the British to retain New York so long, and to persist in sending away the negroes, as it has irritated the citizens of America to an alarming degree. I am, &c."

TO DAVID HARTLEY, ESQ.

SIR, *Passy, Sept.* 7, 1783.

We have the honour of transmitting herewith enclosed, a resolution of Congress of the 1st May last, which we have just received.

You will perceive from it that we may daily expect a commission in due form for the purposes mentioned in it, and we assure you of our readiness to enter upon the business whenever you may think proper.

We have the honour to be, with great respect and esteem, Sir, your most obedient and humble servants,

J. ADAMS.
B. FRANKLIN.
J. JAY.

(*Enclosed in the foregoing.*)

BY THE UNITED STATES IN CONGRESS ASSEMBLED.

May 1, 1783.

On the report of a committee to whom was referred a letter of Feb. 5, from the Hon. J. Adams;

Ordered, That a commission be prepared to Messrs. John Adams, Benjamin Franklin, and John Jay, authorising them, or either of them in the absence of the others, to enter into a treaty of commerce between the United States of America and Great Britain, subject to the revisal of the contracting parties, previous to its final conclusion: and in the mean time to enter into a commercial convention to continue in force one year.

That the secretary for foreign affairs lay before congress without delay a plan of a treaty of commerce, and instructions relative to the same, to be transmitted to the said commissioners.

CHARLES THOMPSON, Secretary.

TO HIS EXCELLENCY ELIAS BOUDINOT, ESQ. *President of Congress.*

(EXTRACT.)

SIR, *Passy, Sept.* 10, 1783.

On the 3rd instant, definitive treaties of peace were concluded between all the late belligerent powers, except the Dutch, who the day before settled and signed preliminary articles of peace with Britain.

We most sincerely and cordially congratulate congress and our country in general on this happy event, and we

hope that the same kind Providence which has led us through a rigorous war to an honourable peace, will enable us to make a wise and moderate use of that inestimable blessing.

The definitive treaty being in the terms of the provisional articles, and not comprehending any of the objects of our subsequent negociations, it is proper that we give a summary account of them.

When Mr. Hartley arrived here, he brought with him only a set of instructions signed by the King. We objected to proceeding with him until he should have a commission in form. This occasioned some delay. A proper commission was however transmitted to him; a copy of which was shortly after sent to Mr. Livingston.

We having been instructed to obtain, if possible, an article for a direct trade to the West Indies, made to Mr. Hartley the proposition No. 1. (see page 360.)

He approved of it greatly and recommended it to his court, but they declined assenting to it.

Mr. Hartley then made us the proposition No. 2., (pp. 376. and 379.) but on being asked whether he was authorized to sign it, in case we agreed to it, he answered us in the negative. We therefore thought it improper to proceed to the consideration of it, until after he should have obtained the consent of his court to it. We also desired to be informed whether his court would or would not comprehend Ireland in these stipulations with us.

The British cabinet would not adopt Mr. Hartley's propositions, but their letters to him were calculated to inspire us with expectations, that as nothing but particular local circumstances, which would probably not be of long duration, restrained them from preferring the most

liberal system of commerce with us, the ministry would take the earliest opportunity of gratifying their own wishes as well as ours on that subject.

Mr. Hartley then made us the proposition No. 3. (p. 383. et seq.)

At this time we were informed that letters for us had arrived in France from Philadelphia. We expected to receive instructions in them, and told Mr. Hartley that this expectation induced us to postpone giving him an answer for a few days.

The vessel by which we expected these letters, it seems, had not brought any for us. But at that time information arrived from America, that our ports were all opened to British vessels. Mr. Hartley thereupon did not think himself at liberty to proceed until after he should communicate that intelligence to his court, and receive their further instructions.

Those further instructions never came, and thus our endeavours as to commercial regulations proved fruitless; we had many conferences and received long memorials from Mr. Hartley on the subject, but his zeal for systems friendly to us constantly exceeded his authority to concert and agree to them.

During the long interval of his expecting instructions, for his expectations were permitted to exist almost to the last, we proceeded to make and receive propositions for perfecting the definitive treaty. Details of all the amendments, alterations, objections, exceptions, &c. which occurred in the course of these discussions would be voluminous. We finally agreed that he should send to his court the project or draft of a treaty, No. 4.[1] He did so, but

[1] Not inserted.

after much time, and when pressed by France who insisted that we should all conclude together, he was instructed to sign a definitive treaty in the terms of the provisional articles.

Whether the British court meant to avoid a definitive treaty with us, through a vain hope, from the exaggerated accounts of divisions among our people, and want of authority in congress, that some revolution might soon happen in their favour, or whether their dilatory conduct was caused by the strife of the two opposite and nearly equal parties in the cabinet, is hard to decide.

Your Excellency will observe that the treaty was signed at *Paris*, and not at *Versailles*. Mr. Hartley's letter, No. 5. (p. 422.) and our answer, No. 6. (p. 422.) will explain this. His objections, and indeed our proceedings in general were communicated to the French minister, who was content that we should acquiesce, but desired that we would appoint the signing early in the morning, and give him an account of it at Versailles by express; for that he would not proceed to sign on the part of France, till he was sure that our business was done.

The day after the signature of the treaty, Mr. Hartley wrote us a congratulatory letter, No. 7. (p. 425.) to which we returned the answer, No. 8. (p. 426.)

He is gone to England, and expects soon to return: which for our parts we think uncertain. We have taken care to speak to him in strong terms on the subject of the evacuation of New York, and the other important subjects proper to be mentioned to him. We think we may rely on his doing every thing in his power to influence his court to do what they ought to do, but it does not appear that they have as yet formed any solid system for their conduct relative to the United States. We cannot but

think that the late and present aspect of affairs in America, has had and continues to have an unfavourable influence, not only in Britain, but throughout Europe.

In whatever light the article respecting the Tories may be viewed in America, it is considered in Europe as very humiliating to Britain, and therefore as being one which we ought in honour to perform and fulfil with the most scrupulous regard to good faith, and in a manner least offensive to the feeling of the King and Court of Great Britain, who upon that point are extremely tender.

The unseasonable and unnecessary resolves of various towns on this subject, the actual expulsion of Tories from some places, and the avowed implacability of almost all who have published their sentiments about the matter, are circumstances which are construed not only to the prejudice of our national magnanimity and good faith, but also to the prejudice of our governments.

Popular committees are considered here as with us, in the light of substitutes to constitutional government, and as being only necessary in the interval between the removal of the former, and the establishment of the present.

The constitutions of the different States have been translated and published, and pains have been taken to lead Europe to believe that the American States not only made their own laws, but obeyed them. But the continuance of popular assemblies convened expressly to deliberate on matters proper only for the cognizance of the different legislatures and officers of government, and their proceeding not only to ordain, but to enforce their resolutions, has exceedingly lessened the dignity of the States in the eyes of these nations.

To this we may also add the situation of the army, the

reluctance of the people to pay taxes, and the circumstances under which congress removed from Philadelphia, have diminished the admiration in which the people of America were held among the nations of Europe, and somewhat abated their ardour for forming connections with us, before our affairs acquire a greater degree of order and consistence.

Permit us to observe, that, in our opinion, the recommendation of congress promised in the 5th article, should immediately be made in the terms of it and published, and that the States should be requested to take it into consideration as soon as the evacuation by the enemy shall be completed. It is also much to be wished that the legislatures may not involve all the Tories in banishment and ruin, but that such discriminations may be made as to entitle their decisions to the approbation of disinterested men, and dispassionate posterity.

On the 7th inst. we received your Excellency's letter of the 16th June last, covering a resolution of congress of the 1st May, directing a commission to us for making a treaty of commerce, &c. with Great Britain. This intelligence arrived very opportunely to prevent the anti-American party in England, from ascribing any delays on our part to motives of resentment to that country. Great Britain will send a minister to congress, as soon as congress shall send a minister to Britain, and we think much good might result from that measure.

Much we think will depend on the success of our negociations with England. If she could be prevailed upon to agree to a liberal system of commerce, France, and perhaps some other nations will follow her example; but if she should prefer an exclusive monopolizing plan, it

is probable that her neighbours will continue to adhere to their favourite restrictions.

Were it certain that the United States could be brought to act as a nation, and would jointly and fairly conduct their commerce on principles of exact reciprocity with all nations, we think it probable that Britain would make extensive concessions. But on the contrary, while the prospect of disunion in our councils, or want of power and energy in our executive departments exist, they will not be apprehensive of retaliation, and consequently lose their principal motive to liberality. Unless with regard to all foreign nations and transactions, we uniformly act as an entire united nation, faithfully executing and obeying the constitutional acts of congress on those subjects, we shall soon find ourselves in the situation in which all Europe wishes to see us, viz. as unimportant consumers of her manufactures and productions, and as useful labourers to furnish her with raw materials.

We beg leave to assure congress that we shall apply our best endeavours to execute this new commission to their satisfaction, and shall punctually obey such instructions as they may be pleased to give us relative to it. Unless congress should have nominated a secretary to the commission, we shall consider ourselves at liberty to appoint one, and as we are well satisfied with the conduct of Mr. Temple Franklin, the secretary to our late commission, we purpose to appoint him; leaving to congress to make such compensation for his services as they may judge proper.

With great respect, we have the honour to be, Sir, your Excellency's most obedient and humble servants,

JOHN ADAMS,
B. FRANKLIN,
JOHN JAY.

From David Hartley, Esq. M. P. to Dr. Franklin.

My dear Friend, *Bath, Sept.* 24, 1783.

I am at present at Bath with my dearest sister, whom I have found as well as I could have expected, and I hope with reasonable prospect of recovery in time. I have seen my friends in the ministry, and hope things will go well; with them I am sure all is right and firm. The chief part of the cabinet ministers are out of town, but there will be a full cabinet held in a few days, in which a specific proposition in the nature of a temporary convention will be given in instructions to me. I imagine, nearly upon the ground of my memorial of May 21, 1783, which I delivered to the American ministers;[1] viz. "American ships not to bring foreign manufactures into Great Britain, nor to trade directly between the British West Indies and Great Britain," all the rest to be as before the war I expect that something to this effect will be their determination, in the offer, and if it should be so, I shall hope not to meet with difficulty on your parts. I want to see some specific beginning. As to any further proposition respecting the trade between Great Britain and the British West Indies, I doubt whether any such can be discussed before the meeting of parliament. I wish to look forward not only to the continuation of peace between our two countries, but to the improvement of reconciliation into alliance; and therefore I wish the two parties to be disposed to accommodate each other, without the strict account by weights and scales as between aliens and strangers, actuated towards each other

[1] See pages 376 and 379.

by no other principle than cold and equalizing indifference. Friendly dispositions presumed have their fairest chance of being realized, but if we should set out presuming against them, the good which might have happened may be prevented. Pray remember me to your three colleagues, and to all friends. Yours ever most affectionately, D. HARTLEY.

P. S. I have put in a word for our *Quaker article*,[1] and I hope with some impression.

DAVID HARTLEY, ESQ. M. P. TO DR. FRANKLIN.

Bath, October 4, 1783.

MY DEAR FRIEND,

I only write one line to you to let you know that I am not forgetful of you, or of our common concerns. I have not heard any thing from the ministry yet: I believe it is a kind of vacation with them before the meeting of parliament. I have told you of a proposition which I have had some thoughts to make as a kind of co-partnership in commerce. I send you a purposed temporary convention, which I have drawn up. You are to consider it only as one I recommend. The words underlined are grafted upon the proposition of my memorial, dated May 21, 1783. You will see the principle which I have in my thoughts to extend for the purpose of restoring our ancient co-partnership generally. I cannot tell you what event things may take, but my thoughts are always employed in endeavouring to arrange that system upon which the *China Vase*, lately shattered, may be cemented together, upon principles of compact and connection, in-

[1] To prohibit privateering, see page 332.

stead of dependence. I have met with a sentiment in this country which gives some alarm, viz. lest the unity of government in America should be uncertain, and the States reject the authority of Congress. Some passages in General Washington's letter have given weight to these doubts. I don't hear of any tendency to this opinion; *that the American States will break to pieces, and then we may still conquer them.* I believe all that folly is extinguished. But many serious and well disposed persons are alarmed lest *this should be the ill-fated moment for relaxing the powers of the union, and annihilating the cement of confederation* (vide Washington's letter), and that Great Britain should thereby lose her best and wisest hope of being re-connected with the American States *unitedly.* I should for one, think it the greatest misfortune. Pray give me some opinion upon this. You see there is likewise another turn which may be given to this sentiment by intemperate and disappointed people, who may indulge a passionate revenge for their own disappointments, by endeavouring to excite general distrust, discord, and dis-union. I wish to be prepared and guarded at all points. I beg my best compliments to your colleagues; be so good as to show this letter to them. I beg particularly my condolence (and I hope congratulation) to Mr. Adams; I hear that he has been very dangerously ill, but that he is again recovered. I hope the latter part is true, and that we shall all survive to set our hands to some future compacts of common interest, and common affection, between our two countries.

Your ever affectionate, D. HARTLEY.

To David Hartley, Esq.

My dear Friend, *Passy, Oct.* 16, 1783.

I have nothing material to write to you respecting public affairs, but I cannot let Mr. Adams, who will see you, go without a line to enquire after your welfare, to inform you of mine, and assure you of my constant respect and attachment.

I think with you that *our Quaker article* is a good one, and that men will in time have sense enough to adopt it, but I fear that time is not yet come.

What would you think of a proposition if I should make it, of a family compact between England, France, and America? America would be as happy as the Sabine girls, if she could be the means of uniting in perpetual peace her father and her husband. What repeated follies are those repeated wars? You do not want to conquer and govern one another. Why then should you be continually employed in injuring and destroying one another? How many excellent things might have been done to promote the internal welfare of each country; what bridges, roads, canals, and other useful public works and institutions tending to the common felicity, might have been made and established, with the money and men foolishly spent during the last seven centuries by our mad wars in doing one another mischief? You are near neighbours, and each have very respectable qualities. Learn to be quiet and to respect each other's rights. You are all Christians. One is *the most Christian king*, and the other *defender of the faith.* Manifest the propriety of these titles by your future conduct. "*By this,*" said Christ, "*shall all men know that ye are my disciples, if ye love*

one another. Seek peace, and ensure it." Adieu, yours, &c.

B. FRANKLIN.

To DAVID HARTLEY, Esq.

Passy, Oct. 22, 1783.

I received my dear friend's kind letter of the 4th instant from Bath, with your proposed temporary convention, which you desire me to show to my colleagues. They are both by this time in London, where you will undoubtedly see and converse with them on the subject. The apprehension you mention that the cement of the confederation may be annihilated, &c. has not I think any foundation. There is sense enough in America to take care of their own *china vase*. I see much in your papers about our divisions and distractions, but I hear little of them from America; and I know that most of the letters said to come from there with such accounts are mere London fictions. I will consider attentively the proposition above mentioned against the return of my colleagues, when I hope our commission will be arrived. I rejoice to hear that your dear sister's recovery advances, and that your brother is well: please to present my affectionate respects to them, and believe me ever, yours, &c.

B. FRANKLIN.

EXTRACT OF A LETTER TO THE HON. ROBERT MORRIS.

(*Superintendant of Finances,* United States.)

Passy, Dec. 25, 1783.

"The remissness of our people in paying taxes is highly blameable, the unwillingness to pay them is

still more so. I see in some resolutions of town meetings, a remonstrance against giving congress a power to take, as they call it, *the people's money* out of their pockets, though only to pay the interest and principal of debts duly contracted. They seem to mistake the point. Money justly due from the people is their creditor's money, and no longer the money of the people, who, if they withhold it, should be compelled to pay by some law. All property, indeed, except the savage's temporary cabin, his bow, his matchuat, and other little acquisitions absolutely necessary for his subsistence, seems to me to be the creature of public convention. Hence the public has the right of regulating descents, and all other conveyances of property, and even of limiting the quantity and the uses of it. All the property that is necessary to a man for the conservation of the individual and the propagation of the species, is his natural right, which none can justly deprive him of; but all property superfluous to such purposes is the property of the public, who by their laws have created it, and who may therefore by other laws dispose of it whenever the welfare of the public shall desire such disposition. He that does not like civil society on these terms, let him retire and live among savages. He can have no right to the benefits of society who will not pay his club towards the support of it.

The Marquis de la Fayette, who loves to be employed in our affairs, and is often very useful, has lately had several conversations with the ministers and persons concerned in forming new regulations respecting the commerce between our two countries, which are not yet concluded. I thought it therefore well to communicate to him a copy of your letter which contains so many sensible

and just observations on that subject. He will make a proper use of them, and perhaps they may have more weight as appearing to come from a Frenchman, than they would have if it were known that they were the observations of an American. I perfectly agree with you in all the sentiments you have expressed on this occasion.

I am sorry for the public's sake that you are about to quit your office, but on personal considerations I shall congratulate you. For I cannot conceive of a more happy man, than he who having been long loaded with public cares, finds himself relieved from them, and enjoying private repose in the bosom of his friends and family.

With sincere regard and attachment, I am ever, dear Sir, yours, &c. B. FRANKLIN."

EXTRACT OF A LETTER TO HIS EXCELLENCY THOMAS MIFLIN, ESQ.,

President of Congress.

Passy, Dec. 25, 1783.

"It was certainly disagreeable to the English ministers, that all their treaties for peace were carried on under the eye of the French court. This began to appear towards the conclusion, when Mr. Hartley refused going to Versailles to sign there with the other powers, our definitive treaty; and insisted on its being done at Paris; which we in good humour complied with, but at an earlier hour, that we might have time to acquaint le Comte de Vergennes before he was to sign with the Duke of Manchester. The Dutch definitive was not then ready, and the British court now insisted on finishing it either at London or the Hague. If heretofore the com-

mission to us, which has been so long delayed, is still intended, perhaps it will be well to instruct us to treat either here or at London, as we may find most convenient. The treaty may be conducted even there in concert and in the confidence of communication with the ministers of our friends, whose advice may be of use to us.

With respect to the British court, we should I think be constantly upon our guard, and impress strongly upon our minds, that though it has made peace with us, it is not in truth reconciled to us, or to its loss of us; but still flatters itself with hopes that some change of the affairs of Europe, or some disunion among ourselves may afford them an opportunity of recovering their dominion, punishing those who have most offended, and securing our future dependence. It is easy to see by the general turn of the ministerial newspapers; (light things indeed as straws and feathers, but like them they show which way the wind blows) and by the malignant improvement their ministers make in all foreign courts, of every little accident at Philadelphia, the resolves of some town meetings, the reluctance to pay taxes, &c. &c. all which are exaggerated to represent our governments as so many anarchies, of which the people themselves are weary, the Congress as having lost its influence, being no longer respected: I say it is easy to see from this conduct, that they bear us no good will, and that they wish the reality of what they are pleased to imagine. They have too a numerous royal progeny to provide for, some of whom are educated in the military line. In these circumstances we cannot be too careful to preserve the friendship we have acquired abroad, and the union we have established at home, to secure our credit by a punc-

tual discharge of our obligations of every kind, and our reputation by the wisdom of our councils; since we know not how soon we may have fresh occasion for friends, for credit, and for reputation.

The extravagant misrepresentations of our political state in foreign countries, made it appear necessary to give them better information, which I thought could not be more effectually and authentically done than by publishing a translation into French, now the most general language in Europe, of the book of constitutions which had been printed by order of congress. This I accordingly got well done, and presented two copies handsomely bound to every foreign minister here, one for himself, the other more elegant, for his sovereign. It has been well taken, and has afforded a matter of surprize to many who had conceived mean ideas of the state of civilization in America, and could not have expected so much political knowledge and sagacity had existed in our wilderness: and from all parts I have the satisfaction to hear that our constitutions in general are much admired. I am persuaded that this step will not only tend to promote the emigration to our country of substantial people from all parts of Europe, but the numerous copies I shall disperse, will facilitate our future treaties with foreign courts, who could not before know what kind of government and people they had to treat with: as in doing this, I have endeavoured to further the apparent views of Congress in the first publication, I hope it may be approved, and the expence allowed. I send herewith one of the copies. Yours, &c.

B. FRANKLIN."

To CHARLES THOMSON, ESQ., Secretary of Congress.

DEAR SIR, *Passy, May* 13, 1784.

Yesterday evening Mr. Hartley met with Mr. Jay and myself, when the ratifications of the definitive treaty were exchanged. I send a copy of the English ratification to the president. Thus the great and hazardous enterprize we have been engaged in, is, God be praised, happily completed: an event I hardly expected I should live to see. A few years of peace, well improved, will restore and increase our strength: but our future safety will depend on our union and our virtue. Britain will be long watching for advantages, to recover what she has lost. If we do not convince the world that we are a nation to be depended on for fidelity in treaties; if we appear negligent in paying our debts, and ungrateful to those who have served and befriended us; our reputation, and all the strength it is capable of procuring, will be lost, and fresh attacks upon us will be encouraged and promoted by better prospects of success. Let us therefore beware of being lulled into a dangerous security; and of being both enervated and impoverished by luxury: of being weakened by internal contentions and divisions; of being shamefully extravagant in contracting private debts, while we are backward in discharging honourably those of the public; of neglect in military exercises and discipline, and in providing stores of arms and munition of war, to be ready on occasion: for all these are circumstances that give confidence to enemies, and diffidence to friends; and the expenses required to prevent a war, are much lighter than

those that will, if not prevented, be absolutely necessary to maintain it.

I am long kept in suspense without being able to learn the purpose of Congress respecting my request of recall, and that of some employment for my Secretary W. Temple Franklin. If I am kept here another winter and as much weakened by it as by the last, I may as well resolve to spend the remainder of my days here; for I shall hardly be able to bear the fatigues of the voyage in returning. During my long absence from America, my friends are continually diminishing by death, and my inducements to return lessened in proportion. But I can make no preparations either for going conveniently, or staying comfortably here, nor take any steps towards making some other provision for my grandson, till I know what I am to expect. Be so good, my dear friend, to send me a little private information. With great esteem, I am ever yours, &c.

B. FRANKLIN.

DAVID HARTLEY, ESQ. TO DR. FRANKLIN.

SIR, *Paris, June* 1, 1784.

I have the honour to inform you, that I have transmitted to London the ratification on the part of Congress of the definitive treaty of peace between Great Britain and the United States of America, and I am ordered to represent to you,[1] that a want of form appears in the

[1] Copy of a Letter from LORD CARMARTHEN to D. HARTLEY, Esq.

SIR, *St. James's, May* 28, 1784.

I received this morning by Lauzun, your dispatch No. 5, and the private letter of the 24th instant, together with the

first paragraph of that instrument, wherein the United States are mentioned before his Majesty, contrary to the established custom in every treaty in which a crowned head and a republic are parties. It is likewise to be observed, that the term "*definitive articles*" is used instead of *definitive treaty*; and the conclusion appears likewise deficient, as it is neither signed by the President, nor is it dated, and consequently is wanting in some of the most

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ratification of the treaty between Great Britain and the United States of America; and I own it was with the greatest surprize that I perceived so essential a want of form as appears in the very first paragraph of that instrument, wherein the United States are mentioned before his Majesty, contrary to the established custom observed in every treaty in which a crowned head and a republic are contracting parties.

The conclusion likewise appears extremely deficient, as it is neither signed by the President nor is it dated, and consequently is wanting in some of the most essential points of form necessary towards authenticating the validity of the instrument.

I should think the American ministers could make no objection to correcting these defects in the ratification, which might very easily be done, either by signing a declaration in the name of Congress for preventing the particular mode of expression, so far as relates to precedency, in the first paragraph, being considered as a precedent, to be adopted on any future occasion, or else by having a new copy made out in America, in which these mistakes should be corrected, and which might be done without any prejudice arising to either of the parties from the delay. I am, with great truth and regard, Sir, your most obedient humble servant,

CARMARTHEN.

P. S. I send you enclosed a copy of the ratification—part of the treaty, which it is also to be observed were previously described as "definitive *articles*."

essential points of form necessary towards authenticating the validity of the instrument.

I am ordered to propose to you, Sir, that these defects in the ratification should be corrected, which might very easily be done either by signing a declaration in the name of Congress for preventing the particular mode of expression so far as relates to precedency in the first paragraph being considered as a precedent to be adopted on any future occasion; or else by having a new copy made out in America in which these mistakes should be corrected, and which might be done without any prejudice arising to either of the parties from the delay. I am, Sir, with great respect and consideration, your most obedient humble servant, D. HARTLEY.

To His Excellency B. Franklin, Esq.

TO HIS EXCELLENCY DAVID HARTLEY, ESQ.

SIR, *Passy, June* 2, 1784.

I have considered the observations you did me the honour of communicating to me concerning certain inaccuracies of expression and supposed defects of formality in the instrument of ratification; some of which are said to be of such a nature as to affect "the validity of the instrument." The first is, "that the United States are named before his Majesty, contrary to the established custom observed in every treaty in which a crowned head and a republic are the contracting parties." With respect to this it seems to me that we should distinguish between the act in which both join, to wit, the *treaty*, and that which is the act of each separately, the *ratification*. It is necessary that all the modes of expression in the joint

act, should be agreed to by both parties; though on their separate acts, each party is master of, and alone accountable for, its own mode. If the ministers of the United States had insisted, or even proposed naming in the treaty the States before the King, it might have been deemed injurious to his dignity, as requiring him to acknowledge by that joint act their superiority. But this was not the case; on inspecting the treaty it will be found that his Majesty is always regularly named before the United States. How it happened that the same order was not observed in the ratification I am not informed. Our secretaries are new in this kind of business, which methinks should be favourably considered if they chance to make mistakes. They may have been led by some precedent; or being republicans, and of course preferring that kind of government as in their opinions more excellent than monarchy, they may naturally have thought it right, when the two kinds were to be named in their own instrument, to give their own kind the precedence; an effect of that sort of complaisance which almost every nation seems to have for itself, and of which the English too afford an instance, when in the title of the King they always name Great Britain before France. The Congress however adopted the form presented to them, and it is thus become an act of theirs; but the King having no part in it, if it is improper, it reflects only upon those who committed the impropriety, and can no way affect his Majesty. Whatever may have occasioned this transposition, I am confident no disrespect to the King was intended in it by the Congress. They as little thought of affronting his Majesty by naming the States before him, as your ministers did of affronting the Supreme Being, when in the corresponding first paragraph of their

ratification they named the King before the Deity. There cannot be a clearer proof of this than what is to be found in the ratification itself. In the treaty the King, as I said before, is always first named. Thus the established custom in treaties between "crowned heads and republics" contended for on your part was strictly observed; and the ratification following the treaty contains these words: "Now know ye, that We the United States in Congress assembled, having seen and considered the definitive articles, *have approved, ratified, and confirmed,* and by these presents do *approve, ratify, and confirm* the said articles, AND EVERY PART AND CLAUSE THEREOF, &c." Thus all those articles, parts, and clauses, wherein the King is named before the United States, are *approved, ratified and confirmed;* and this solemnly under the signature of the President of Congress, with the public seal affixed by their order, and countersigned by their Secretary. No declaration on the subject, more determinate or more authentic, can possibly be made or given, which when considered, may probably induce his Majesty's minister to wave the proposition of our signing a similar declaration, or of sending back the ratification to be corrected in this point, neither appearing to be really necessary. I will however, if still desired, transmit to Congress the observation and the difficulty occasioned by it, and request their orders upon it. I can have no doubt of their willingness to give every reasonable satisfaction.

If the words *definitive treaty* had been used, instead of *definitive articles*, it might have been more correct, though the difference seems not great, nor of much importance, as in the treaty itself it is called the present *definitive treaty*.

The other objections are, "That the conclusion likewise appears deficient, as it is neither signed by the President, nor is it dated, and consequently is wanting in some of the most essential points of form necessary towards authenticating the validity of the instrument." It is true that the signature of the President is not placed at the end of the piece. Among the infinite number of treaties and ratifications that have been made in different ages and countries, there are found a great variety in the forms, and in the manner of placing the seals and signatures, all however equally authentic and binding. Which of the precedents we have followed, I know not; but I think our ratifications have generally been sealed in the margin near the beginning, and the President's name subscribed by him, as it ought to be, near the seal. This is then our usage. And it has never hitherto been objected to by any of the powers with whom we have treated, not even by yourselves in our ratification of the preliminary articles exchanged in 1783. And I observe that your own method is not always uniform, for in your last ratification the King signs only at the end, in the first at both the end and the beginning. If we had, like older nations, a Great Seal, the impression of which, from its bulk and weight, could only be appended, the signature might properly be placed above it at the end of the instrument. Probably the want of an able artist prevented our having hitherto such a seal. In the mean time as all the parts of the instrument are connected by a ribband whose ends are secured under the impression, the signature and seal wherever placed relate to, and authenticate the whole. This is expressly declared by the Congress in the concluding sentence, viz. *In testimony whereof*, "we have caused the Seal of the United

States to be hereunto affixed. Witness, His Excellency Thomas Mifflin, Esq. President, this fourteenth day of January, in the year of our Lord one thousand seven hundred and eighty-four." It is thus that the duplicate before me is *dated*, in these words at length, and I apprehend the original exchanged must be the same, so that the essential article of a date was not wanting as supposed, but has been overlooked by the person who made the objection.

The ratification was passed in Congress unanimously, and the treaty will I firmly believe be punctually and faithfully executed on their part; we confide that the same will be done on yours. Let us endeavour on all sides to establish the "*firm and perpetual peace*," we have promised to each other, and not suffer even the prospect of it to be clouded by too critical an attention to small forms and immaterial circumstances. With great esteem and respect, I have the honour to be, Sir, your Excellency's most obedient and most humble servant,

B. FRANKLIN.

To DAVID HARTLEY, ESQ.

MY DEAR FRIEND, *Passy, Jan.* 3, 1785.

I received your kind letter of December 1, from Bath. I am glad to hear that your good sister is in a fair way towards recovery; my respects and best wishes attend her.

I communicated your letter to Mr. Jefferson, to remind him of his promise to communicate to you the intelligence he might receive from America on the subjects you mention; and now having got it back, I shall endeavour to answer the other parts of it.

What you propose to draw up of your opinions on American negociation, may be of great use, if laid, as you intend, before administration, in case they seriously intend to enter on it after the meeting of parliament: for I know your ideas all tend to a good understanding between the two countries and their common advantage; and in my mind too, all selfish projects of partial profit are the effects of short-sightedness, they never producing permanent benefits, and are at length the causes of discord and its consequences, wherein much more is spent than all the temporary gains amounted to.

I do not know that any one is yet appointed by your Court to treat with us. We some time since acquainted your minister with our powers and disposition to treat, which he communicated to his Court, and received for answer that his Majesty's ministers were ready to receive any propositions we might have to make for the common benefit of both countries, but they thought it more for the honour of both, that the treaty should not be in a third place. We answered that though we did not see much inconvenience in treating here, we would, as soon as we had finished some affairs at present on our hands, wait upon them, if they pleased, in London. We have since heard nothing.

We have no late accounts from America of any importance. You know the Congress adjourned the beginning of June till the beginning of November. And since their meeting there has been no account of their proceedings. All the stories in your papers relating to their divisions, &c. are fiction, as well as those of the people being discontented with Congressional Government. Mr. Jay writes to me, that they were at no time more happy or

more satisfied with their government, &c. than at present, nor ever enjoyed more tranquillity or prosperity. In truth the freedom of their ports to all nations has brought in a vast plenty of foreign goods, and occasioned a demand for their produce, the consequence of which is the double advantage of buying what they consume cheap, and selling what they can spare dear.

If we should come to London, I hope it may still be with you that we are to do business. Our already understanding one another may save on many points a good deal of time in discussion. But I doubt whether any treaty is intended on your part, and I fancy we shall not press it. It may perhaps be best to give both sides time to enquire, and to *feel* for the interests they cannot *see*. With sincere and great esteem, I am ever, my dear friend, yours most affectionately, B. FRANKLIN.

TO THE HON. JOHN JAY, ESQ.

Minister for Foreign Affairs.

SIR, *Philadelphia, Sept.* 19, 1785.

I have the honour to acquaint you, that I left Paris the 12th of July, and agreeable to the permission of Congress am returned to my country. Mr. Jefferson had recovered his health, and was much esteemed and respected there. Our joint letters have already informed you of our late proceedings, to which I have nothing to add except that the last act I did as Minister Plenipotentiary for making treaties, was to sign with him two days before I came away the treaty of friendship and commerce that had been agreed on with Prussia, and which was to be carried to the Hague by Mr. Short, there

to be signed by Baron Thulemeyer on the part of the King, who without the least hesitation had approved and conceded to the new humane articles proposed by Congress,[1] which articles are considered as doing that body great honour. Mr. Short was also to go to London with the treaty for the signature of Mr. Adams, who I learnt (when at Southampton) is well received at the British Court. The Captain Lamb, who in a letter of yours to Mr. Adams, was said to be coming to us with instructions respecting Morocco, had not appeared, nor had we heard any thing of him; so nothing has been done by us in that treaty. I left the Court of France in the same friendly disposition towards the United States that we have all along experienced, though concerned to find our credit is not better supported in the payment of the interest money due on our loans, which in case of another war must be, they think, extremely prejudicial to us, and indeed may contribute to draw on a war the sooner by affording our enemies the encouraging confidence that a people who take so little care to pay will not again find it easy to borrow. I received from the King at my departure the present of his picture set round with diamonds, usually given to Ministers Plenipotentiary who have signed any treaties with that Court, and it is at the disposition of Congress, to whom be pleased to present my dutiful respects. I am, Sir, with great esteem, your most obedient and most humble servant, B. FRANKLIN.

P.S. Not caring to trust them to a common conveyance, I send by my late Secretary, W. Temple Franklin,

[1] Against privateering.

who will have the honour of delivering them to you, all the Original Treaties I have been concerned in negociating that were completed. Those with Portugal and Denmark continue in suspense.

To * * * *

Sir, *Philadelphia, Jan.* 19, 1790.

I received the letter you did me the honour of writing to me respecting the construction of the eleventh article of the treaty of commerce between France and the United States. I was indeed one of the Commissioners for making that treaty, but the Commissioners have no right to explain the treaty. Its explanation is to be sought for in its own words, and in case it cannot be clearly found there, then by an application to the contracting powers.

I certainly conceived that when the *droit d'aubaine* was relinquished in favour of the citizens of the United States, the relinquishing clause was meant to extend to all the dominions of his most Christian Majesty, and I am of opinion, that this would not be denied if an explanation were requested of the Court of France, and it ought to be done, if any difficulties arise on this subject in the French Islands, which their Courts do not determine in our favour. But before Congress is petitioned to make such request, I imagine it would be proper to have the case tried in some of the West India Islands, and the petition made in consequence of a determination against us. I have the honour to be, &c. B. Franklin.

SUPPLEMENT

TO

PRIVATE CORRESPONDENCE.

PART III.

[*The two Letters from William Carmichael, Esq. (Secretary of the American Legation at the Court of Madrid,) to Dr. Franklin, of which the following are Extracts, were accidentally omitted in their appropriate place in the* CORRESPONDENCE, *together with the subjoined curious* MEMOIR *of Sir John Dalrymple, referred to by Mr. Carmichael; a Copy of which was requested by Dr. Franklin in his Letter to that Gentleman, of June* 17, 1780. (See Vol. 1, p. 62.)]

EXTRACT OF A LETTER FROM W. CARMICHAEL, ESQ. TO HIS EXCELLENCY DR. FRANKLIN, PARIS.

Madrid, April 27, 1780.

"Sir John Dalrymple, who perhaps you know personally, has been here near three weeks, under the pretext, or in reality, of travelling with his lady, who

is in a bad state of health. I have been able to trace most of his motions here, which wear a suspicious appearance; and having some reason to think that he means to proceed hence to France, I think it my duty to inform you of it, not from any apprehension of what he may be able to effect, (because we have too many proofs to doubt now) but that the servants of our country should not neglect to give you that advice, which I know you will receive from the Count de Vergennes, in case this *Philosophical Traveller* should visit Paris, for his health or that of his family, at this crisis."

[*From the Same to the Same.*]

Madrid, July 18, 1780.

"I thought, until the receipt of your letter (of the 17th June [1]) that Mr. Jay had sent you Sir John Dalrymple's Memorial, and other papers while I was at Aranjuez. He sends them, however, by this courier, and I think you will be amused in reading Sir John's *Reveries*."

"Mr. Cumberland, a former Secretary of Lord Germaine, succeeds Sir John. His residence gives no uneasiness to the Count de Montmorin,[2] which with the assurances that we receive from the Count de Florida Blanca,[3] ought to remove *our* apprehensions."

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[1] See Private Correspondence, Part I. page 62.

[2] The French Ambassador.

[3] The Spanish Minister.

MÉMOIRE

DE

SIR JOHN DALRYMPLE

OU

PROJET DU LORD ROCHEFORD, POUR EMPECHER LA GUERRE.

[*Anecdote Historique.*]

(*Not to diminish from the* ORIGINALITY *of this* DOCUMENT, *neither the Phraseology, Grammar, or Orthography, have been corrected.*)

Confédération générale.

AVANT que la France se fut declarée pour l'Amérique, Lord Rocheford, autrefois Ambassadeur en Espagne et en France, formoit un Projet pour empêcher la guerre. C'étoit que l'Angleterre proposeroit un grand traité de confédération entre la France, l'Espagne, le Portugal et l'Angleterre, qui devoit avoir trois objets. Le premier, une garantie mutuelle entre ces quatre Puissances de leurs possessions dans l'Amérique et dans les deux Indes, avec une provision qu'une guerre dans l'Europe ne seroit jamais une guerre dans ces rémotes régions sous quelque pretexte que ce soit, et fixant le nombre des troupes et des vaisseaux que les puissances contractantes devoient fournir contre la puissance contreve-

Trois Objets de Confédération.

nante la paix dans ces régions remotes. Le second objet étoit à donner une participation de commerce de l'Amérique à la France, l'Espagne, et le Portugal, autant qu'une telle participation ne seroit incompatible avec les intérêts communs et sans rivalité de l'Amérique Angloise et de l'Angleterre.

Le troisième objet étoit l'ajustement des Privilèges contestés des Américains sur des principes justes et honorables pour eux. Lord Rocheford étoit pour lors Secrétaire d'Etat. Il me disoit que la première personnne à qui il communiquoit ce projet étoit le feu Prince de Mazerano Ambassadeur d'Espagne, et que, quoique vieux et malade, il se leva, l'embrassa : et dit, *ah ! Milord, quel Dieu vous a inspiré ?* Lord Rocheford le communiquoit aussi à un de ses amis qui étoit alors et est à présent un des ministres du Roy de la Grande Bretagne, qui l'approuvoit beaucoup : mais bientôt après, Lord Rocheford quittoit le ministère, se retiroit à la Campagne, et par cet accident le projet n'étoit pas presenté au cabinet du Roy.

J'ai donné la relation de cette anecdote, parceque je suis un des quatre ou cinq personnes qui seules en connoissent la vérité ; et parce que je pense qu'il n'est pas encore trop tard pour faire revivre un projet qui sauvera un million de Chrétiens d'être faits veuves et Orphelins. Quant au premier objet d'une telle confédération, Lord Rocheford pensoit que la

Observations sur le premier objet de la confédération.

proposition seroit acceptée par toutes les puissances, parceque c'étoit l'intérêt de toutes de l'accepter.

Les pertes de la France dans les deux Indes dans la dernière guerre, et leurs pertes dans les Indes Orientales dans la dernière guerre, et ses pertes dans les Indes Orientales de la guerre d'à présent, où ils ont perdu en six semaines tout ce qu'ils y avoient; les pertes des Espagnols dans la guerre dernière dans les deux Indes, et même le coup donné l'autre jour dans la baye de Hunduras par un jeune Capitaine avec une poignée de soldats, la facilité avec la quelle le Portugal perdit l'isle de Ste. Catherine dans le Brézil; et le malheur des armes Angloises dans l'Amérique depuis trois ans, tout prouve, que la France, l'Espagne, le Portugal et l'Angleterre ont leurs parties tendres dans l'Amérique et dans les deux Indes, et par conséquent qu'ils ont tous un intérêt dans une mutuelle garantie de leurs possessions dans ces trois parties du Monde. Quant au second objet de la Confédération: je suis sensible que l'idée de donner une participation du commerce de l'Amérique aux autres trois nations sous la limitation que cela ne soit pas incompatible avec les intérêts communs de l'Amérique Angloise et de l'Angleterre, est une idée un peu vague, et sujette aux disputes, mais heureusement pour l'humanité il y a cinq personnes dans ces cinq pays, d'un caractère singulier, et qui les rend pro-

Considérations sur le second objet de la Confédération.

pres à faire là-dessus des réglements précis, et sujets à nulles disputes, qui enrichiront la France, l'Espagne et le Portugal sans appauvrir l'Angleterre et ses Colonies. Pour l'Amérique, il y a le Docteur Franklin, peut être le premier génie de l'âge présent et qui connoit bien les liaisons entre l'Amérique et l'Angleterre. Pour la France, il y a le Contrôleur-Général,[1] qui a été élevé dès sa jeunesse dans la pratique du commerce. Pour l'Espagne, il y a Monsieur Campomanes, qui a employé la maturité de son âge en des études qui lui donnent une superiorité en de telles discussions. Pour le Portugal, elle aura l'aide des conseils du Duc de Braganza qui a cueilli les connoissances dans presque tous les Camps, les Cours, les Bibliothèques, et même les places des marchands d'Europe: et pour l'Angleterre, elle a un Ministre qui connoissant les vrais intérêts du commerce au fond ne refusera pas à l'Amérique ce qu'il vient de donner à l'Irlande. Quant au troisième objet de la confédération, l'Angleterre qui se vante tant de sa propre MAGNA CHARTA accordera avec facilité une MAGNA CHARTA aux libertés de l'Amérique. Peut être, le meilleur moyen d'abrévier cet article seroit de donner carte blanche au Dr. Franklin. Une confiance généreuse est le moyen le plus sûr de s'assurer d'un homme généreux. L'Espagne a deux

Observations sur le troisième objet de la Confédération.

[1] M. Necker.

Premier intérêt de l'Espagne dans une telle Confédération.

intérêts très solides dans le succès d'une telle confédération, et contre l'indépendance de l'Amérique Angloise. Le premier est que, si l'Amérique Angloise devenoit indépendante, l'Amérique Espagnole et ses isles seroient abîmées par la contrebande des Américains indépendants d'Angleterre. 1. L'Angleterre est liée par les traités avec l'Espagne à ne faire la contrebande. 2. Elle est liée par la peur que cette contrebande ne tirera une guerre sur elle dans l'Europe, ce qui fut l'effet dans le tems du Chevalier Robert Walpole. 3. La cherté des commodités de l'Angleterre et de l'Europe met des limitations naturelles à la quantité de contrebande.

Mais si les Américans étoient Indépendants, ils diroient qu'ils n'étoient liés par les traités des Anglois. 2. Ils ne seroient liés par la peur, parce qu'ils sont loin de l'Espagne ; et s'étant défendu contre quatre-vingt-dix mille soldats et marins Anglois, ils se moqueroient des forces de l'Espagne ; et 3. Le bas prix des commodités Américaines couvrira les Colonies Espagnoles de contrebande. Il y a même une cause nécessaire pour forcer les Américains, ou de faire la contrebande ou de faire la guerre sur l'Amérique Espagnole et Portugaise et leurs Iles ; ils n'ont ni or, ni argent chez eux, mais ils ne peuvent cultiver leurs terres, ni faire leur commerce sans ces métaux precieux. Ils n'auroient que quatre sources dont ils pourroient les tirer. Le pre-

mier est le commerce avec l'Europe; le second, pensions de France et d'Espagne; le troisième, la contrebande avec les Provinces d'Espagne et de Portugal dans le nouveau Monde; et le quatrième, la guerre dans ces provinces. Autant que les Américains continuent dans un état que les Anglois appellent une Rebellion, leur commerce avec l'Europe sera interrompu par les Corsaires Anglois; ainsi ils ne tireront que très peu de métaux précieux de cette première source.

Les pensions de la France et de l'Espagne ne seroient qu'une bagatelle pour soutenir l'agriculture et les manufactures d'un si vaste pays. Ils n'auroient donc aucune ressource pour les métaux précieux, que dans la contrebande ou les guerres avec les provinces Espagnoles et Portugaises. Pour empêcher cette contrebande, les traités de confédération pourroient faire des provisions contre la contrebande et des Anglois et des Américains. C'est un point délicat pour un Anglois à suggérer les moyens; mais si les deux nations vouloient sincèrement la paix, je pourrois dans un quart-d'heure suggérer des moyens infaillibles. Il y a un autre intérêt que l'Espagne a contre l'indépendance des Américains et par conséquent pour le traité de confédération qui est peut-être encore plus grand. Les Américains ne pourroient voler avec leurs voiles partout, feroient des établissements dans la Nouvelle Zélande, les Isles d'Otahiti, ou quelques autres Isles dans la Mer du Sud; et même les

Second intérêt de l'Espagne dans une telle Confédération.

Anglois, les François, les Portugais, et les Hollandois dans les mers des Indes Orientales, étant indépendants, nul traité ne les empêchera de faire de tels établissements : ils pourroient les faire selon les droits des gens. Le Capitaine Cook dit dans son dernier voyage imprimé, qu'il y a 47,000 gens de mer dans les seules Isles d'Otahiti, et le Capitaine Wallis qui faisoit la découverte de ces Isles, m'a dit à Lisbonne, il y a quelques jours, que les habitans d'Otahiti montoient au haut des mâts Anglois et couvroient par les morceaux du bois croissant les mâts auxquels les voiles sont attachées, aussi bien, en trois jours, que les marins Anglois; et il me donnoit deux raisons pour cela. La première étoit que, vivant de poisson, tous les habitans sont gens de mer, et le second, que les peuples qui ne portent que des souliers sont toujours plus propres pour monter les parties supérieures des vaisseaux. Le Capitaine Cook aussi, dans son voyage imprimé, donne une description dans la Nouvelle Zélande d'une poste pour une flotte et une ville qui pouvoit en quelques semaines être faite imprenable : et on n'a qu'a regarder la forme des Isles de la Mer du Sud dans les estampes qui en ont été faites, pour se satisfaire que ces Isles sont pleines de postes imprenables. Je me montre aussi bon ami à l'Espagne, à la France, au Portugal, et à la Hollande qu' à l'Angleterre, quand je développe l'idée suivante, qui a peut-être échappé aux autres. Autrefois on ne pouvoit aller avec sureté aux Mers du Sud,

que dans le mois de Décembre et de Janvier, et par les terribles latitudes autour du Cap Horn : mais les découvertes du Capitaine Cook et des autres Anglois ont nouvellement demontré qu'on y peut aller par le Cap-de-Bonne-Espérance, dans tous les mois, par les belles latitudes du Cap-de-Bonne-Espérance et de la Nouvelle Zélande, et dans presque le même espace de tems, l'un étant un voyage de quatre mois et l'autre de cinq, parce que le même vent d'ouest qui souffle presque toute l'année dans les autres latitudes et qui retarde les vaisseaux en passant par le Cap Horn, les porte avec rapidité par le Cap-de-Bonne-Espérance et la Nouvelle Zélande ; de-là il suit, que quand les Américains querelleront avec les Espagnols peut être sur le chapitre de contrebande, ils enverront leurs vaisseaux sur les côtes de Chili de leurs établissements et dans les Mers du Sud par les latitudes de la Nouvelle Zélande, et par les vents d'ouest qui soufflent toujours dans ces latitudes, ce qui n'est qu'un voyage de cinq Semaines. Car le Capitaine Cook dans un voyage, et le Capitaine Fourneaux dans un autre, alloient de la Nouvelle Zélande au Cap Horn en moins de tems, et le journal des vents annexé au voyage du Capitaine Cook, montre que les vents d'ouest dans ces latitudes sont au vent d'est dans la proportion de dix à un. Quand leurs vaisseaux seront sur les côtes du Chili, ils prendront avantage du vent de terre qui souffle éternellement du

Sud, au Nord pour les porter à suivre les côtes du Chili et du Pérou. Le vent les portera dans quatorze jours jusqu'à la Baye de Panama, et dans le cours de ce voyage ils ravageront les côtes et feront prises de Vaisseaux partout. La force navale de l'Espagne à Lima ne pourra pas les empêcher, parce que le même vent du Sud qui poussera les Américains en avant, rendra les flottes d'Espagne incapables d'aller à leur rencontre. De la Baye de Panama ils retourneront par le grand vent des Tropiques de l'est à l'ouest, qui ne change jamais, et à leurs établissements dans les Mers du Sud, ou à vendre leurs prises dans les Mers de la Chine ou de l'Inde ; d'où ils retourneront encore peut-être avec de nouveaux vaisseaux et de nouveaux équipages des hommes, faire la répétition de leurs ravages. Leurs retours seront encore par la Nouvelle Zélande, venant des Indes ou par la latitude de 40 Nord, venant de la Chine, et dans ce dernier cas ils tomberont sur le Méxique et prenant avantage des vents de terre qui soufflent toujours du Nord jusqu'à la Baye de Panama, ils ravageront le Mexique comme auparavant ils avoient ravagé le Chili et Pérou.

De la Baye de Panama, ils retourneront par le grand vent du Tropique, ou chez eux dans les Mers du Sud, ou aux Mers de l'Asie à renouveller une guerre insultante, tourmentante et sans remède. De l'autre côté, quand ils sont en guerre avec l'Angleterre, la France, le

Portugal, ou la Hollande, ils tourneront en arrière de leurs établissements dans les Mers du Sud sur les Indes Orientales de l'Angleterre, la France, le Portugal ou la Hollande. Ils auront deux grandes routes à aller et à retourner ; l'une à l'ouest de la Nouvelle Hollande et l'autre par les Isles entre la Chine et la Nouvelle Hollande : et dans cette dernière route, ils auront autant de routes qu'il y a d'Isles, d'où il suit qu'il sera presqu'impossible à attrapper leurs vaisseaux, ou en allant, ou en revenant. Toutes ces conséquences pourroient être empêchées dans le traité de confédération que Lord Rocheford proposoit ; dans ce traité ou pourroit stipuler que ces Isles appartiendront pour toujours à leurs anciens habitans ; car assurément la nation qui la première en prendra possession commandera le commerce des Mers du Sud et des Mers d'Asie. L'Europe voulant faire les Américains indépendants, est dans la situation d'un homme qui dort sur la glace et n'est pas sensible que la glace se dégèle, et pour cette raison, pour donner plus de poids à la considération, on pourroit inviter la Hollande et le Danemark qui ont des intérêts dans tous les deux nouveaux mondes, d'être parties contractantes à ces articles du traité, qui regardent la garantie mutuelle. La raison pourquoi les traités sont rompus si souvent est qu'ils ne font pas provision pour les intérêts réciproques pour

Traités separés,

l'avenir des nations contractantes. Les seuls que je connoisse qui font attention à cet objet sont les traités entre le Portugal et l'Angleterre, par lesquels le Portugal gagne une préférence pour la vente de ses vins en Angleterre et l'Angleterre gagne une préférence pour la vente de ses draps en Portugal : la conséquence est qu'il n'y a jamais eu, et, en apparence, il n'y aura jamais une guerre entre le Portugal et l'Angleterre. Il ne seroit pas difficile, ou dans la même considération générale, ou par les traités séparés de commerce entre l'Angleterre d'un côté, et les trois royaumes, l'Espagne, le Portugal et la France respectivement des autres côtés, de servir infiniment les intérêts de commerce de tous les trois dans leurs liaisons avec l'Angleterre. Comme l'Espagne a les vins, l'huile, les fruits, le sel, les laines fines et quelques autres articles que l'Angleterre n'a pas, et comme l'Angleterre a le fer et le Charbon dans les mêmes champs pour ses manufactures de fer, qu'elle a par l'humidité de son climat la laine longue pour les draps d'un prix bas, qu'elle a l'étain, le poisson, et quelques autres articles que l'Espagne n'a pas, la conséquence est que, quand l'Angleterre est riche, elle achetera plus des articles de l'Espagne, et quand l'Espagne est riche elle achetera plus des articles d'Angleterre, et par conséquent que c'est impossible pour l'un à s'enrichir sans enrichir l'autre. Le

même raisonnement s'applique aux liaisons naturelles entre l'Angleterre et le Portugal. Il y a même une liaison naturelle entre l'Angleterre et la France sur beaucoup d'articles de commerce, si la jalousie des foux et des gens mal instruits ne l'interrompoit perpétuellement. Je l'entendu d'une main sûre, que si l'Abbé Terray avoit continué dans le ministère de la France, il y auroit eu un tarif entre la France et l'Angleterre, pour l'entrée, sur des conditions plus favorables, des vins et des articles des modes d'une nation, et les manufactures de fer et des bleds de l'autre; et l'Angleterre pourroit avoir procuré le consentement du Portugal pour la diminution de son commerce de vins avec l'Angleterre, par d'autres dédommagemens. L'Angleterre, en faveur de la France, l'Espagne et le Portugal pouvoit même permettre l'exportation de ses laines payant un droit à l'exportation, sans se nuire.

L'exportation de superfluité de laine feroit du bien aux propriétaires des terres en Angleterre, au Roy en lui donnant une nouvelle taxe et à ses trois nations étrangères en leur donnant un article nécessaire pour leurs manufactures.

Malheur pour l'humanité! L'Abbé Terray n'est plus: mais bonheur pour l'humanité, le Docteur Franklin, le Contrôleur-Général de la France, Mr. Campomanes, le Duc de

Braganza, et le Lord North sont tous encore en vie.

C'est le Roy d'Espagne et le Comte de Florida Blanca qui peuvent mettre tous les cinq en mouvement. Pour moi je n'ai nulle autorité des ministres Anglois à présenter ce projet, mais vivant en amitié avec la plupart d'eux et avec les amis des autres, je suis sûr qu'il y a des sentiments dans ce mémoire qui sont les leurs. J'avoue que je reçu une lettre en Portugal, quatorze jours avant que je partîsse pour l'Espagne, de Milord Rocheford, qui n'est pas à cette heure dans le ministère, mais qui entêté d'un projet qui lui fait tant d'honneur, me conseilloit de tâter le poux sur la possibilité de le faire réussir:

Et que j'ai une lettre sur le même sujet, du Duc de Braganza qui entroit dans les vues de projet de Milord Rocheford, non pas en politique, mais en ami de l'humanité.

Encouragé par de tels hommes et encore plus par mon propre cœur, j'écris à un des ministres du Roy d'Angleterre que si je ne trouvois pas les esprits trop échauffés et si je ne trouvois pas que je ne donnois pas offense, j'avois intention de faire justice au projet de Milord Rocheford et en Espagne et en France, et je le prie de m'envoyer une réponse à Paris, si le ministère d'Angleterre approuvoit ou désapprouvoit ce que j'allois faire. Je n'ai qu'à ajouter que mes vues étant à unir et non à

séparer les nations, je n'ai nulle objection que les ministres de la France et le Docteur Franklin ayent chacun un exemplaire de ce mémoire.

A true Copy from the Original.

Attest.

WILLIAM CARMICHAEL,
Secretary of the American Legation at Madrid.

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